



# JUSTICE

**Vol.38 ACTUALITÉS - REPORT No.4**

CANADIAN CRIMINAL JUSTICE ASSOCIATION - ASSOCIATION CANADIENNE DE JUSTICE PÉNALE

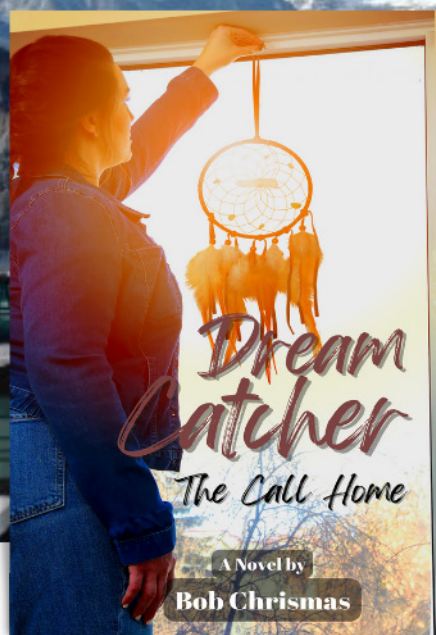
**STUDENT SPACE—CALLING FOR A JUSTICE MODEL  
THAT IS RESTORATIVE AND TRANSFORMATIVE**

**FROM HANDCUFFS TO HEALING  
DOUG HECKBERT WITH JENNIFER  
BRYCE**

**FACT IN FICTION  
NANCY WRIGHT  
WITH DR. ROBERT (BOB) CHRISMAS**

**& MANY MORE  
ET BEAUCOUP  
PLUS**

## PURSUING RECONCILIATION IN THE CANADIAN CRIMINAL JUSTICE SYSTEM



NEW YORK: DIO PRESS INC. 2023<sup>1</sup>

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The JUSTICE REPORT contains information of value to Association readers and the public interested in matters related to the administration of justice in Canada. Opinions expressed in this publication do not necessarily reflect the Association's views, but are included to encourage reflection and action on the criminal justice system throughout Canada.

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L'ACTUALITÉS JUSTICE renferme des renseignements utiles aux lecteurs de l'Association et au public qui s'intéressent aux questions relatives à l'administration de la justice au Canada. Les opinions qui sont exprimées ne reflètent pas nécessairement les vues de l'Association, mais y figurent afin d'encourager à réfléchir et à agir sur la justice pénale dans tout le Canada.

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LAYOUT BY MARTIN SPIELAUER

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# JUSTICE

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# EDITORIAL

NANCY WRIGHT

Justice Report Editor

You are cordially invited to the 39th edition of CCJA's biennial Canadian Congress (October 6-9, 2024)—*Moving Forward Together: Exploring Pathways to Reconciliation, Healing, and Public Safety*—to be held at the Banff Centre for Arts and Creativity (Banff, Alberta). Check the CCJA website ([ccja-acjp.ca](http://ccja-acjp.ca)) for the details.

In this issue of the *Justice Report*, Howard Sapers, current Chair of the Implementation Advisory Panel (IAP) for the Structured Intervention Unit programme replacing solitary confinement, is back with the final segment of his three-part series on SUI implementation. Professor Vincent Yang reports on Canada's role in establishing legal aid in China, highlighting the global influence of Canada's 'soft power' in promoting the rule of law and human rights. Dr. John Winterdyk applauds India's academic eminence in forensic criminology.

Doug Heckbert, as Section Editor of Real-Life Criminal Justice Stories, presents an article co-authored with Jennifer Bryce. Jenn spent twenty-two years in the youth and adult criminal justice system before her turnaround, when she connected with an Elder and began taking part in culture, ceremonies, prayer, and correctional programming.

Our Fact In Fiction column presents Canadian criminologist and author Bob Christmas (2023) discussing his second novel. *Dream Catcher: The Call Home* is a sequel to *The River of Tears* (2022, JR 37.4)<sup>2</sup>. Recently retired from 34 years of policing, Dr. Christmas is currently heading up a groundbreaking

Community Safety project focused on Transit safety in Winnipeg (MB).

Restorative justice reigns in the student space, with four perspectives answering Fattah's (2020) call for "academics... to stand up and be counted" (see McCormick, 2020<sup>1</sup>). Mira Henderson (MRU) discusses Nils Christie's (1977) victim-focused paradigm (now known as restorative justice) and also its potential for transformative crime prevention. Ms. Henderson calls for more research into a paradigm away from the Canadian retribution model.

Melissa Liauw (UOttawa) points out the fundamental incongruence between Canadian retributive law and restorative justice, while Megan Davidson (MRU grad.) brings restorative processes through environmental design into the equation with a look at Canada's prison architecture. Finally, in a surprise review, our Book Reviews Section Editor, Dr. John Winterdyk—weighing in as a former student of Ezzat Fattah—highlights Fattah's recent prophecy that restorative justice will be the next "empire" in criminal justice. Former MRU student Catherine Pandila (ASU) caps off the section with a reflection on Dr. Winterdyk's recent retirement from teaching at Mount Royal University, noting that he always went the extra mile for students.

Wishing you all a peaceful, joyous and hope-filled end to 2023.

## NOTES

1. Fattah, E. (2020). Criminology today: A critical assessment. Canada Scholar Press. In Book Review by Chris McCormick. John Winterdyk, Ed. Canadian Journal of Criminology and Criminal Justice (CJCCJ). 2021. Toronto: University of Toronto Press (UTP). [www.ccja-acjp.ca/pub/en/reviews/criminology-today-a-critical-assessment/](http://www.ccja-acjp.ca/pub/en/reviews/criminology-today-a-critical-assessment/).

2. Christmas, R. (2021; 2023). *The River of Tears and Dream Catcher: The Call Home*. New York: DIO Press Inc.





# ÉDITORIAL

NANCY WRIGHT

Rédactrice d'Actualités Justice

Vous êtes cordialement invités à la 39<sup>e</sup> édition du Congrès canadien biennal de l'ACJP (du 7 au 10 octobre 2024) sous le thème « Chercher la réconciliation dans le système de justice pénale Canadien » qui se tiendra au Banff Centre for Arts and Creativity (Banff, Alberta).

Dans ce numéro de l'*Actualités Justice*, le président actuel du Comité consultatif sur la mise en œuvre du système d'Unités d'intervention structurée remplaçant l'isolement cellulaire, Howard Sapers, est de retour avec le dernier segment de sa trilogie sur la mise en œuvre de l'UIS. Le professeur Vincent Yang rend compte du rôle du Canada dans l'établissement de l'aide juridique en Chine, soulignant l'influence mondiale de la puissance douce du Canada dans la promotion de la primauté du droit et des droits de la personne. Le Dr John Winterdyk applaudit l'éminence universitaire de l'Inde en criminologie médico-légale.

Doug Heckbert présente un article coécrit par Jennifer Bryce. Jenn a passé vingt-deux ans dans le système de justice pénale pour les jeunes et les adultes avant de redresser la situation, lorsqu'elle a communiqué avec un Aîné et a commencé à participer à des programmes culturels, de cérémonie, de prière et des initiatives correctionnelles.

Notre chronique Fact In Fiction présente le criminologue et auteur canadien Bob Christmas (2023)<sup>2</sup>, qui discute son deuxième roman. *Dream Catcher : The Call Home* est une suite de *The River*

of Tears (2022, JR 37.4). Récemment retraité suite à 34 années de service policier, M. Christmas dirige actuellement un projet novateur de sécurité communautaire axé sur la sécurité du transport en commun à Winnipeg (Manitoba).

La justice réparatrice règne dans l'espace étudiant, avec quatre perspectives répondant à l'appel de Fattah (2020) que les universitaires se tiennent debout et soient comptés (voir McCormick, 2020<sup>1</sup>). Mira Henderson (MRU), discute du paradigme de Nils Christie (1977) axé sur les victimes (maintenant appelé justice réparatrice) et également son impact potentiel en tant que modèle transformatif de prévention du crime. Mme Henderson préconise la recherche d'un paradigme qui s'éloigne du modèle canadien de rétribution.

Melissa Liauw (UOttawa) souligne l'incongruité fondamentale entre le droit rétributif canadien et la justice réparatrice, tandis que Megan Davidson discute la conception environnementale réparatrice en jetant un regard sur l'architecture carcérale du Canada. Dans une recension de livre surprise, le Dr John Winterdyk, notre éditeur de recensions étudiantes, écrivant en tant qu'ancien étudiant d'Ezzat Fattah, souligne le point de vue intemporel et controversé de cet auteur sur l'abolition de la peine de mort et sa récente prophétie selon laquelle la justice réparatrice sera le prochain « empire » de la justice pénale. Catherine Pandila (ASU), ancienne étudiante de Dr. John Winterdyk, termine la section avec une réflexion sur sa récente retraite de l'enseignement à Mount Royal University, notant que le ce dernier a toujours fourni un effort supplémentaire pour les étudiants.

Que la fin de l'année 2023 vous apporte un temps paisible, joyeux et plein d'espoir.

## NOTES

1. Fattah, E. (2020). Criminology today: A critical assessment. Canada Scholar Press. In Book Review by Chris McCormick. John Winterdyk, Ed. Canadian Journal of Criminology and Criminal Justice (CJCCJ). 2021. Toronto: University of Toronto Press (UTP). [www.ccja-acjp.ca/pub/en/reviews/criminology-today-a-critical-assessment/](http://www.ccja-acjp.ca/pub/en/reviews/criminology-today-a-critical-assessment/).

2. Christmas, R. (2021; 2023). *The River of Tears* and *Dream Catcher: The Call Home*. New York: DIO Press Inc.

# Solitary Confinement in Canada and the Promise of Structured Intervention Units in Canadian Penitentiaries – Part 3: Response to the 2021/22 SIU IAP Annual Report Recommendations

**HOWARD SAPERS**

Chair, Structured Intervention Units Implementation Advisory Panel

9 August 2023

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*Part 1 of this series (JR 37.4) by Howard Sapers discussed the history of the use of segregation (solitary confinement) in Canada and the creation of Structured Intervention Units. The role and function of the Structured Intervention Unit Implementation Advisory Panel (SIU IAP) was introduced. Part 2 (JR 38.1) explored the ways in which the first 18 months of SIU operation fell short of the legislative framework's expectations. Based on the recommendations of the 2021/22 SIU IAP Annual Report and the responses by CSC and the Minister of Public Safety, this final segment reveals flaws in the implementation of the new system<sup>1</sup>.*

## INTRODUCTION

The Minister of Public Safety established the Structured Intervention Units Implementation Advisory Panel (SIU IAP) in 2019 as part of the Government's efforts to provide accountability and transparency of the operationalization of the SIUs. The IAP is a well-rounded Panel comprising members with expertise across various fields such as Indigenous justice; crime prevention; federal corrections and prisoner oversight; sentencing and policy; psychology; social justice; human rights; prison reform advocacy; criminal justice research; restorative approaches; and rehabilitation. The Panel's mandate is to provide non-binding recommendations and advice to the Commissioner of the Correctional Service of Canada (CSC) and reports to the Minister of Public Safety about SIU operations and their compliance with the legal and policy framework supporting them.

The 2021-2022 Annual Report builds on the SIU IAP's "Preliminary Observations of the Operations

of Correctional Service Canada's Structured Intervention Units", a document completed by the original IAP panel in October 2021 but unfortunately not released by Public Safety Canada until April 2022. The current Panel's work is also informed by the experiences of this earlier panel, which concluded its term in the summer of 2020 without receiving the data it required. The 2020-21 Annual Report, of a reconfigured Panel is discussed in detail in Part 2 of this series (JR 38.1).

The SIU IAP's 2021-2022 Annual Report contained 41 recommendations addressing 14 areas of concern. When the SIU IAP carried out an initial review of the responses for each recommendation, the Panel decided that more detail would be required in order to reach any conclusions regarding the degree to which the responses addressed the identified issues. To collect additional information, several meetings and discussions were held between November 2022 and June 2023 with Correctional Service of Canada Executive Committee members, senior Public Safety

officials, and staff in the Minister's office. On May 10, 2023, CSC provided an update on actions taken following these sessions, which are discussed below. Unfortunately, the hoped-for additional response did not materialize.

### **IAP ACTIVITIES 2022-2023 RELATED TO THE 2021-22 REPORT: THEMATIC FOLLOW-UPS BETWEEN DECEMBER 2022 AND MARCH 2023**

In an effort to promote greater awareness of the issues and generate more action-oriented responses, the SIU IAP released three thematic follow-up updates between December 2022 and March 2023.

*December 20, 2022—Operations of the Independent External Decision Makers (IEDM).* In the SIU IAP Annual Report, the Panel amongst other things had made a rather perverse finding – that a prisoner whose length of stay was reviewed by an IEDM was more likely to be removed quickly if the IEDM had NOT recommended their release. Our update found that this remained true, which suggests that the oversight component is not making a significant impact on the length of stay of prisoners transferred into a SIU.

*January 23, 2023—Mental health of SIU prisoners.* We found that long stays in an SIU are related to deteriorating mental health. We also found that while those with mental health issues generally did not appear to be staying significantly longer in the SIU once placed, they did have more frequent stays. They were also more likely to experience stays in multiple SIUs in different regions across the country.

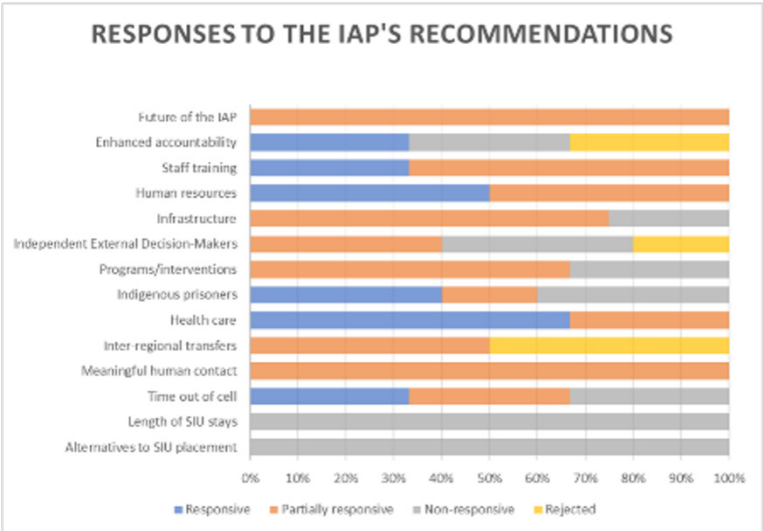
*March 10, 2023—Update on Indigenous prisoners transferred to an SIU.* This update confirmed and elaborated a number of findings detailed in the Annual Report. These included:

- Indigenous people are over-represented in SIUs.
- SIUs in women's institutions are rarely used, but when they are, they are almost exclusively populated by Indigenous women.
- Indigenous prisoners are not only more likely to be transferred to an SIU; once they get there, their stays in the SIU are also likely to be longer than the stays for non-Indigenous prisoners.
- For long stay prisoners, being an Indigenous prisoner in an SIU cell is associated with deteriorating mental health.
- Indigenous prisoners in general population and in SIUs, on average, are younger than non-Indigenous prisoners. Their age makes them more vulnerable to the negative mental health impacts of isolating conditions of confinement.
- There is substantial variation across regions in providing SIU prisoners with four hours out of cell.

The updates did provide some new and more detailed data and analysis. However, while more granular, the substantive take-aways largely reflected what the SIU IAP 2021-2022 Report had already told the Minister and the Correctional Service of Canada.

**RECOMMENDATIONS OF THE SIU IAP  
2021-22 REPORT AND RESPONSES BY  
CORRECTIONAL SERVICE OF CANADA  
AND PUBLIC SAFETY CANADA:  
PRESENTING A FEW OF THE MOST  
CRITICAL ISSUES**

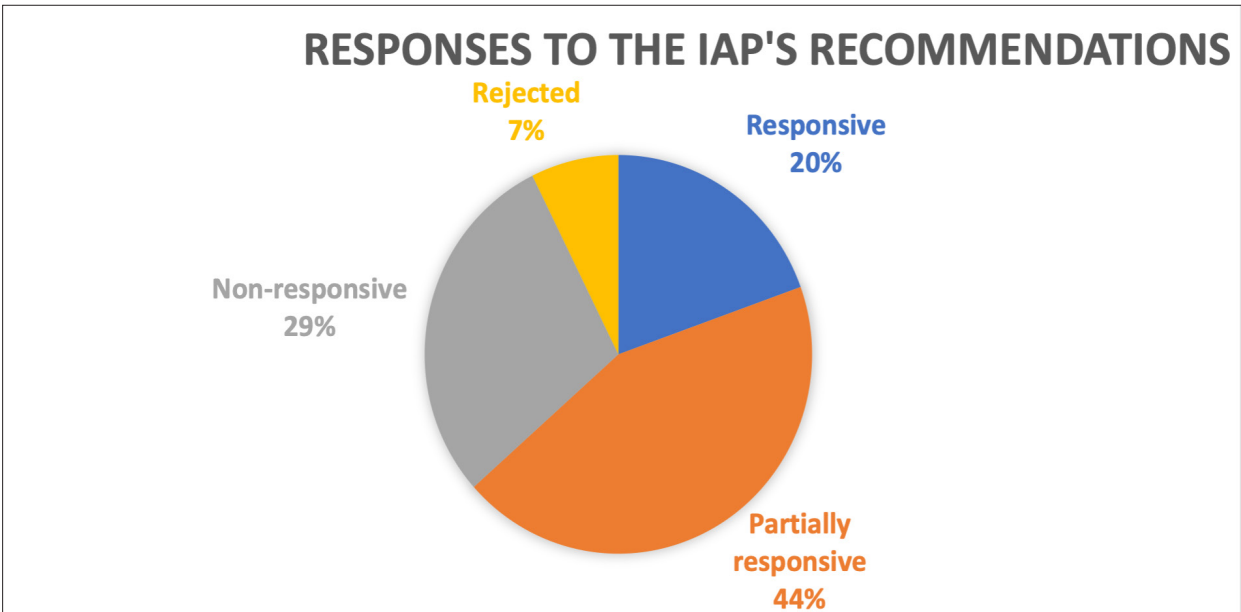
The Panel then incorporated all of this, along with supplementary information gathered by the SIU IAP during informal discussions and updates, into our analysis of the responses, which we grouped into four categories: responsive, partially responsive, non-responsive, and recommendation rejected. Of the responses, eight were found to be responsive, eighteen partially responsive, twelve were non-responsive, and three recommendations were rejected. Put another way, 20% were responsive, 44% were partially responsive, 29% were non-responsive, and 7% were rejected.



Needless to say, the Panel is disappointed in this outcome. Neither the Correctional Service of Canada nor the Minister were fully responsive to any of the fourteen areas addressed in the Annual Report:

- |                                  |   |                             |
|----------------------------------|---|-----------------------------|
| 1) Alternatives to SIU placement | 6) Health care                          | 10) Infrastructure          |
| 2) Length of SIU stays           | 7) Indigenous prisoners                 | 11) Human resources         |
| 3) Time out of cell              | 8) Programs/interventions               | 12) Staff training          |
| 4) Meaningful human contact      | 9) Independent External Decision-Makers | 13) Enhanced accountability |
| 5) Inter-regional transfers      |   | 14) Future of the IAP       |

Figure 2



Responsiveness of Correctional Service of Canada and Public Safety to the Recommendations in the Implementation Advisory Panel’s 2021-2022 Report.

While a discussion of all the responses to the SIU IAP recommendations for 2021-22 is well beyond the scope of this article, gaps related to restrictive housing (Recommendations #1 and 5) within the SIU system warrant close attention and are of particular interest because they signal potential Charter rights violations.

CSC's response to 1.1 focused on the fact that restricted movement is the only other type of restrictive housing permitted by the legislation, can only be for 5 days, and that alternatives to SIU placement must be considered and can take the form of transfers, involvement of the Inmate Committee or other body, mediation or conflict resolution, inter-institutional transfer, or the involvement of an Elder, Chaplain or Indigenous Liaison Officer. CSC also notes its commitment to thorough documentation on any transfer into a SUI including the rationale for any alternatives that were considered. This response misses the central thrust of the recommendations - that there are other forms of housing that restrict movement and association that are not well documented and receive little or no formal oversight.

Court rulings leading to the abolishment of administrative and disciplinary segregation (solitary confinement) in Canada demonstrated that segregation violated the Charter for mentally ill and disabled persons while disproportionately discriminating against Indigenous offenders (Cameron et al., 2021). Perhaps over-riding all other issues with the SIU system, therefore, is a concern related to the fact that the majority of federal inmates have at least one mental health diagnosis (70% of men and 79% of women) (See Cameron et al.). By its own assertion, CSC contends "that the SIU population displays complex risks and needs that require intensive levels of service beyond that of the mainstream inmate population" and that "Inmates who present with complex needs, such as tendencies towards violence or aggression, often require ongoing support and assistance to help safely reintegrate them to a suitable mainstream population" (Report, 2021-22).

The law states that prisoners in an SIU will have "an opportunity for meaningful human contact and an opportunity to participate in programs and to have access to services that respond to the inmate's specific needs and the risks posed by the inmate" (CCRA s32(1)(b)), and that "The Service shall ensure that measures are taken to provide for the ongoing monitoring of the health of inmates in a structured

#### **IAP Recommendations #1 & #5 to the Minister of Public Safety and the CSC Commissioner**

**1.1: No prisoners are to be assigned to any form of restrictive housing until all other options have been explored and their lack of suitability documented.**

**1.2: Each institution is to catalogue all forms of housing that are not used for the mainstream population, including any with restrictions on movement and association. Prior to placement in any form of restrictive housing, a formal assessment must be completed that will document why restrictions are necessary and detail a plan for removing restrictions as soon as possible. Placement in any form of restrictive housing will be approved by the Institutional Head.**

**5.1: Policy must require a review at the regional level of every instance when a prisoner transferred out of an SIU is transferred into a different SIU within 5 days.**

**5.2: All inter-regional transfers from or to an SIU must be approved by the Senior Deputy Commissioner.**

intervention unit (CCRA s37.1(1)). Yet, there are no operational definitions spelling out how the promised services differ from those available to the general population, and to date, no healthcare clinical staff have been allocated specifically to the SIUs.

#### **CONCLUDING REMARKS**

On June 14, 2023, the SIU IAP mandate was extended to December 31, 2024. This will provide an opportunity for the Panel to continue its work and help inform the statutorily mandated 5-year Parliamentary Review of the legislation that created SIUs. The Panel will produce two additional Annual Reports and will submit a final "roll-up" of findings, to the Public Safety Minister, at the conclusion of its mandate.



## RÉSUMÉ

### **Solitary Confinement in Canada and the Promise of Structured Intervention Units in Canadian Penitentiaries – Part 3: Response to the 2021/22 SIU IAP Annual Report Recommendations**

#### **HOWARD SAPERS**

Président, Comité consultatif sur la mise en œuvre des unités d'intervention structurée

9 août 2023

La 1<sup>re</sup> partie de cette série d'articles (JR 37.4) traite de l'historique du recours à l'isolement cellulaire au Canada et de la mise en place des unités d'intervention structurées. On introduit le rôle et la fonction du Comité consultatif sur la mise en œuvre de l'unité d'intervention structurée (PEI de l'UES). La 2<sup>ème</sup> partie (JR 38.1) portait sur les manières dont les 18 premiers mois d'activité de l'UES ne répondaient pas aux attentes du cadre législatif. D'après les recommandations du rapport annuel 2021-2022 du PEI de l'UES et les réponses du SCC et du ministre de la Sécurité publique, ce dernier segment révèle des lacunes dans la mise en œuvre du nouveau système.

## NOTES

1. The SIU IAP's 2021-2022 Annual Report was publicly released and posted on the Public Safety Canada website on October 28, 2022. Responses from the Minister of Public Safety and the Correctional Service of Canada were posted at the same time. The SIU IAP's Annual Report and the responses to the recommendations can be found at <https://www.publicsafety.gc.ca/cnt/cntrng-crm/crrctns/siuiap-ccuis-en.aspx>.

2. IAP Annual Report (2021-22), Responses and Updates (2022-23). Public Safety Canada. [www.publicsafety.gc.ca/cnt/cntrng-crm/crrctns/siuiap-ccuis-en.aspx](https://www.publicsafety.gc.ca/cnt/cntrng-crm/crrctns/siuiap-ccuis-en.aspx).

3. "As in other jurisdictions, the prevalence of mental disorders in federal Canadian prisons remains significantly higher than in the community, about 2–4 times higher for psychosis and major depression, and 10 times higher for antisocial personality disorder" [Fazel & Danesh. 2002. Serious mental disorder in 23 000 prisoners: a systematic review of 62 surveys. *Lancet* 359: 545-50. PubMed],<sup>11</sup> with 70% of men and 79% of women having at least one DSM-IV-TR diagnosis [Beaudette et al. 2015; Brown et al., 2018 in Cameron et al., *BJPsych*, 2021]". Cameron, C. Khalifa, N, Bickle, A, Safdar, H, Hassan, T. Psychiatry in the federal correctional system in Canada. *BJPsych International* 18(2): 42-46. doi.org/10.1192/bji.2020.56

# The Impact of Canada's Assistance to Develop Legal Aid in China: A Case Study of Canada's Soft Power in Promoting the Rule of Law Globally

VINCENT CHENG YANG

*Prof. Vincent Cheng Yang, Ph.D., was ICCLR's Director of China Program and CBA's Project Implementation Advisor for the China-Canada Legal Aid and Community Legal Services Project.*

*The success in assisting the development of a legal aid system in China is an outstanding example of Canada's soft power in promoting the rule of law and human rights globally. Even at present, we are still witnessing the positive impact of Canada's early work in this field. In 1998-1999, through the CIDA-funded CCLLP Project, the Vancouver-based ICCLR became the international pioneer helping China to set up its framework for legal aid. In 2003, China's first Legal Aid Regulations were promulgated and, based on ICCLR's groundbreaking work and at China's request, the government of Canada launched a bilateral project (CCLAS), with the CBA taking the lead in a consortium to assist staff training, setting up grass-root "model" legal service offices, and other working-level improvement in China. In 2012-2013, CBA launched another project for marginalized communities in China. Canadian program to assist Chinese law reforms ended in 2013. However, the results of Canada's assistance in Chinese criminal justice reforms, including criminal procedures, community corrections, and legal aid are not lost. In 2021, China finally enacted the Legal Aid Law. Legal aid services have continued to improve and expand in the past decade. As Canadians we are always prepared to share our best practices with countries when they are willing to improve their systems in light of international standards of the rule of law and human rights.*

## CANADA'S SOFT POWER PROMOTING THE RULE OF LAW

In this world of intensified conflicts amongst states having fundamentally different political systems, liberalism is still a valid approach to better understanding international relations. Although Canada is usually seen as a middle power, Canadians should never underestimate the global influence of our soft power in international cooperation, especially in promoting the rule of law and human rights.

Canada is widely recognized for its outstanding records of upholding the rule of law and human rights. In 2022, Canada's overall score ranked 12th across 140 countries in the World Justice Project

Rule of Law Index<sup>1</sup>. Also, in the U.S. News rankings of "Best Countries" in the world, Canada is #3, and it is #6 as a country that cares the most about human rights.<sup>2</sup> Canada has scored highest even among the G7 democracies.

Equal access to justice through state-funded legal aid is one of the most important indicators of the rule of law and human rights. Under the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012), "legal aid is an essential element of a functioning criminal justice system that is based on the rule of law" and "a foundation for the enjoyment of other rights" in the criminal justice process<sup>3</sup>.

From a global perspective, one would still conclude that the overall Canadian legal aid system is one of the best. Canada is no doubt in a position to share its expertise, best practices, and lessons learned with other countries, especially those in the early stages of building a legal aid system.<sup>4</sup>

### **CANADA'S ASSISTANCE TO CHINA'S DEVELOPMENT OF LEGAL AID**

In the 1990s, when China was implementing the policy of Reform and Openness mainly through projects funded by the Canadian International Development Agency (CIDA), Canada became the leader of international aid assisting law and justice reforms in China. Unfortunately, not many Canadians are aware of these projects.<sup>5</sup> Two Canadian pioneers contributed the most and achieved groundbreaking results assisting the legal reforms in China: International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR), a think tank located at the University of British Columbia, Vancouver, and the Canadian Bar Association.

In 1996, legal aid was written into China's amended Law of Criminal Procedure and the Lawyer's Law. In 1997-1999, with limited funding support from CIDA, ICCLR implemented a China-Canada Legal Aid Legislative Research Project (CCLLP) to assist the National Legal Aid Center (NLAC) of China's Ministry of Justice (MOJ) to develop a legal aid system by setting up its legal framework. The project was personally endorsed by Xiao Yang, then Minister of Justice and later Chief Justice of the Supreme People's Court of China. Minister Xiao was considered a leading law reformer for having transformed Chinese "state legal workers" into independent legal practitioners and for advocating the borrowing of best legal aid practices from Hong Kong and overseas. Canada was the first foreign state to offer technical assistance.

In November 1997, during the APEC summit in Vancouver, ICCLR hosted Minister Xiao's delegation. During the visit, Mr. Xiao expressed a strong interest in Canada's legal aid system. With his endorsement and CIDA's support, ICCLR and NLAC almost immediately launched the CCLLP. With ICCLR's direct assistance, NLAC compiled, translated, and published three volumes of legislative documents, including 26 legal aid foreign laws and regulations (Canada, the US, UK, India, Japan, Korea, Netherlands, Switzerland, Hong Kong, and Macau) and 22 research reports in 18 months. Some 50%

of the reports was originally produced by Canadian authors.<sup>6</sup>

In 1998, ICCLR's President Danial Prefontaine led a delegation to attend a major consultation conference in Beijing. Among the delegates were Dr. Ab Currie (Principal Researcher with Department of Justice Canada), Professor Paul Brantingham (Simon Fraser University), ICCLR Researcher Eileen Skinnider and myself. NLAC then sent a group of senior officials led by its director Gong Xiaobing to conduct a study tour of legal aid services in British Columbia, Saskatchewan, Ontario and Quebec. This was the first Chinese government delegation to observe the operation of legal aid services in a Western country. In 1998, the MOJ started the drafting process to develop the country's first legal aid legislation. In 1999, when the CCLLP was completed, for the Ministry, the NLAC developed a detailed "Model Legal Aid Law of P.R. China".<sup>7</sup> By 2003, China's first set of national legal aid regulations was promulgated by the State Council, and the NLAC co-authored the official Annotations of Legal Aid Regulations.<sup>8</sup>

Canadian assistance to the development of legal aid in China continued in 2000-2013. ICCLR maintained an active working relationship with the NLAC after the completion of CCLLP. I had the pleasure to be one of the trainers for China's first generation of legal aid organization managers in a UNDP-funded NLAC program. In 2003, the Chinese government requested more technical assistance from Canada. Subsequently, the government of Canada launched the Canada-China Legal Aid and Community Legal Services Project (CCLAS). The Canadian Bar Association took the lead in a Canadian consortium to work with the NLAC over the following four years to set up model legal aid centers in four targeted provinces, develop policy options, and deliver training seminars for Chinese legal aid workers<sup>9</sup>. As CBA's Project Implementation Advisor, I was able to observe and participate in the project activities and witness the results of Canada's assistance. In 2012-2013, the government of Canada funded another CBA project to "improve access to justice and due process for women and men from marginalized communities" in China. Unfortunately, this six-year project was terminated when Canada shut down all its development projects with China at the end of 2013.<sup>10</sup>

## THE IMMEDIATE AND LONG-TERM IMPACT OF CANADA'S ASSISTANCE

ICCLR's contribution was openly acknowledged by Chinese officials not only in each of the NLAC publications<sup>11</sup> but also on major events by senior government officials. On November 19, 1998, the Deputy Minister of Justice Duan Zhengkun made the following statement in an official speech to welcome a Canadian government delegation:

The development of a legal aid system in China is still in its early stage and we need to broadly study and borrow the good experience of foreign legal aid systems. I am very glad to see that China's legal aid system at this initial stage has received the attention and cooperation of Canadian colleagues. With strong support from the Ministry of Justice of China, CIDA and the Canadian Embassy in Beijing, the Legal Aid Legislative Research Project jointly implemented by the NLAC of the MOJ China and ICCLR of Canada has made fruitful progress. I sincerely wish that this project will reach its full objective and hope the Chinese and Canadian partners will continue to push ahead the exchanges and cooperation in the field of legal aid.<sup>12</sup>

By the end of 2001, China had set up 2,299 designated legal aid management agencies. They employed 7,956 designated legal aid workers, including 3,723 full-time legal aid lawyers, to deliver services together with contracted private lawyers and other service providers. In 1998, some 80,000 legal aid cases were processed. This number increased to 172,180, more than double, in 2001.<sup>13</sup>

An official NLAC acknowledgement of the 2003-2007 CBA project is still accessible on the website of the MOJ of China today. According to the NLAC, by "borrowing the advanced experience of Canada's legal aid system", this project helped China "achieve significant improvement in data collection/analysis and develop quality assurance and regulations for financial reimbursement and assistance in case management, HR management, skill training, legal aid promotion and public legal education".<sup>14</sup>

Canada's groundbreaking work was followed by the European Union in a four-year China-EU Access to Justice Programme (2013-2017). Like the ICCLR and CBA projects the EU Program had three components: dialogues between EU and Chinese experts on legal and policy development, capacity building for legal aid service providers, and

introduction of good legal aid practices to China through pilot activities at selected sites in three provinces.<sup>15</sup>

The long-term impact of the Canadian and international assistance is far more significant. In 2021, after some two decades of improvement, the National People's Congress finally turned the Regulations into China's first-ever Legal Aid Law. The Law entered into force on January 1, 2022. In January 2023, the MOJ released the draft "Implementation Measures for the Legal Aid Law of the PRC (draft for solicitation of comments)".<sup>16</sup> By the end of 2020, a total of 570,000 public legal service centers had been established throughout the country, and more than 600,000 villages and communities had appointed their own designated legal advisors. During the five years from 2016 to 2020, the 765,000 legal service institutions in China (including law firms and various other legal service providers) resolved a total of 6.4 million legal aid cases.<sup>17</sup>

Despite all the fallbacks in Chinese politics in recent years, the present Chinese legal aid system still recognizes some of the key principles so vigorously promoted by the Canadian projects and universally adopted by the UN in its 2012 resolution.

First of all, legal aid is a state responsibility. Among all the provincial, municipal and county governments in China, 92% have included legal aid expenditure in their annual budgets. Secondly, provision of legal aid must reflect equal access to justice. In 2021 alone, legal aid was delivered to 320,000 criminal cases, while duty counsels provided services to accused persons in over 550,000 cases.<sup>18</sup> By the end of 2022, 90% of all the counties and county-level administrative districts in China enjoyed an expansion of criminal legal aid to all eligible defendants facing the possibility of a sentence of more than three years. China's MOJ is implementing an "experimental legal aid project" providing "full coverage of criminal defense services by lawyers". Thirdly, public-private partnerships are extending the reach of legal aid, with 75,000 service offices now operating in China.<sup>19</sup> Law school and community based legal aid and service clinics are also common in China. For example, when I was Acting Dean of the Shantou University Law School in 2009-2010, its "legal aid research center" was operating as a clinic of legal aid services.<sup>20</sup>

## THE STRENGTHS AND VALUES OF THE CANADIAN SYSTEM

Canada succeeded in assisting China's rapid development of its legal aid system due to several important factors. We had good timing, the right approach, committed partners in China, and great support in Canada. Ultimately, however, the projects succeeded because of the strengths of the Canadian legal aid system.

From an international and comparative perspective, the Canadian legal aid system has demonstrated its strengths: First and foremost, the Canadian system of criminal legal aid is based on the core values of fairness and equality in Canadian society. Unlike in many other countries where "defending the criminals" is still a public perception issue, the Canadian public is generally supportive of legal aid for the poor and vulnerable people. The system is also a reflection of the belief in the rule of law and human rights amongst the government, the legal profession, and the public in Canada.

Secondly, unlike a unitary state, Canada has a decentralized legal aid system based on the division of powers between the federal government and the provinces and territories. The provinces and territories in Canada have far more decision-making powers than those in a unitary state. As a result, the 13 jurisdictions in Canada have developed 13 different legal aid plans to serve their particular needs and conditions. Therefore, Canada has one of the most diversified and complicated legal aid systems in the world. Because of such diversity of systems and practices, the Canadians are well equipped to provide diversified legal and practical options to countries seeking our technical assistance.

Thirdly, Canada is an outstanding role model in implementing international standards. The various Canadian legal aid plans are all compatible with internationally recognized principles and norms. They are role models in the international community. Last but not the least, Canadians are constantly making the effort to improve our systems and services. We are always prepared to acknowledge, discuss and address problems in the status quo. Canadians are never tired of facing these challenges - the growing demand for aid vs. the limited and sometimes reduced funding, the need to improve services to the Aboriginal people and some other vulnerable communities, geographic barriers in the vast North, cultural and

communication barriers among new immigrants. Hopefully, given the rapid development of AI technology and its application in legal services, we will soon be able to make the legal aid services far more effective and efficient than ever before.

## CONCLUDING REMARKS

The Canadian-China legal aid projects were strategically designed and effectively delivered when China was in its best years of law reforms and opening up to the world. Apparently, such opportunities no longer exist because the windows are closed. Canada has officially defined China as "an increasingly disruptive global power". There have been major policy shifts not only in China's foreign relations but also in many aspects of its legal system. However, the positive impact of Canada's assistance will last, and important lessons can still be learned. Furthermore, many other countries are looking for Canada's assistance to set up and improve their legal aid systems. As always, Canadians are prepared to proudly share our best practices with countries when they have the genuine desire to build or improve their legal systems for more respect of the rule of law and human rights.

## RÉSUMÉ

### The Impact of Canada's Assistance to Develop Legal Aid in China: A Case Study of Canada's Soft Power in Promoting the Rule of Law Globally

VINCENT CHENG YANG<sup>1</sup>

La réussite de l'aide au développement d'un système d'aide juridique en Chine est un excellent exemple de la puissance douce du Canada dans la promotion de l'État de droit et les Droits de la personne à l'échelle mondiale. Même aujourd'hui, nous constatons l'impact positif des travaux du Canada dans ce domaine. Entre 1998 et 1999, grâce au projet CCLLP financé par l'ACDI, l'ICCLR de Vancouver est devenu le pionnier aideur dans le cadre de l'aide juridique en Chine. En 2003, grâce au travail novateur du CIRDP et à la demande de la Chine, les premiers règlements d'aide juridique chinois ont été promulgués, et le gouvernement du Canada a lancé le « modèle de base » d'un projet bilatéral de bureaux de services juridiques en Chine avec l'ABC à la tête d'un consortium pour former du personnel. Entre 2012 et 2013, l'ABC a lancé un projet ciblant des communautés marginalisées en Chine. Le programme canadien d'aide à la réforme de droit chinois a pris fin en 2013. Cependant, le résultat de l'aide du Canada aux réformes de la justice pénale en Chine, y compris les procédures pénales, les services correctionnels communautaires et l'aide juridique, n'ont pas été perdus. En 2021, la Chine a enfin adopté la loi sur l'aide juridique et a continué de l'améliorer et de la développer au cours de la dernière décennie. Comme Canadiens, nous sommes toujours prêts à partager nos pratiques d'excellence avec les pays qui sont prêts à améliorer leurs systèmes face aux normes internationales de la règle de droits et des droits de la personne.



## NOTES

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3. This is “Principle 1. Right to legal aid”. The full text is accessible at: [https://www.unodc.org/documents/justice-and-prison-reform/UN\\_principles\\_and\\_guidelines\\_on\\_access\\_to\\_legal\\_aid.pdf](https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf)
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12. See NLAC, “President of CIDA and Ambassador of Canada to China visited NLAC”, in NLAC bulletin Legal Aid Work Information, No. 9, Nov. 20, 1998. p.2. The Canadian delegation was led by Huguette Labelle, President of CIDA. According to the official agenda, the event was prepared for PM Chrétien’s 100-member Team-Canada delegation but the PM changed the plan because of another commitment on that day.
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# The Evolving Nature of Criminology and Criminal Justice: Studying at the First and Only University in the World Dedicated Exclusively to Forensic Science and Crime Investigation

**JOHN WINTERDYK**

Ret. Criminologist, Mount Royal University, Calgary, AB

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*Since 1972 and Université de Montréal's first criminology program, universities and colleges in Canada have offered a wide range of criminology and criminal justice programs, incorporating a growing number of Canadian textbooks. Yet Canadian students wishing to receive an advanced degree in certain areas of these subject areas, such as criminal forensic sciences, are faced with either studying online or abroad. One option for such seekers is the National Forensic Sciences University (NFSU) at Gujarat, India, the world's only university dedicated exclusively to Forensics: Behavioural, Cyber, Digital, and allied Sciences ([www.nfsu.ac.in](http://www.nfsu.ac.in)).*

## THE EVOLVING NATURE OF CRIME AND JUSTICE

As a social science discipline, criminology and criminal justice are comparatively young compared to the fields with which they closely interact, such as sociology, psychology, history, etc. Arguably, criminology and criminal justice are among the most dynamic disciplines because, while the subject matter (i.e., crime and justice) remains constant, they constantly evolve alongside these other fields.

Where subject-related textbooks used to come primarily from the United States, virtually any course taught in either discipline or sub-discipline today includes a Canadian-authored book. For example, the first criminology program in Canada was established at the Université de Montréal in 1971 by Denis Szabo (1929-2018) (see Fenchel, 2017). Today, criminology, justice studies, and criminal justice programs at the college and university level have emerged in every province and territory across Canada. There are 75+ discernable criminology and criminal justice (i.e., B.A., Honours, Masters, & Ph.D.) degree-granting programs across Canada (Kohm & Weinwrath, 2017).

Yet, whether related to Canadian universities' capacity or the job market, the course offerings and diversity of programs are not as dynamic as in other countries. For example, taking a few post-secondary courses on forensics is possible here, but there are no dedicated forensic programs – even though this represents one of the fastest-growing areas within criminology and criminal justice today. If students are interested in receiving an advanced degree in one or more areas of criminal forensic sciences, they must leave (unless done online) Canada to study somewhere abroad. Yet, as evidenced by student and justice system interest, the advances and advantages of using forensic science to assist in investigating/solving crimes have become omnipresent.

## THE BURGEONING FIELD OF FORENSIC SCIENCE

Over the past few years, I have had the opportunity to travel and work on all continents except South America. Whenever visiting or working outside of Canada, I try to learn about the nature and type of criminology and criminal justice programs and related research being conducted in those regions of the world. I am always keen to learn about

‘innovative’ initiatives/programs designed to solve crime and address social injustices.

One of the more unique post-secondary programs/schools I came across a couple of years ago, and which I have had the pleasure of visiting recently to learn firsthand what they offer, is the National Forensic Science University (NFSU)<sup>1</sup> in India. It is the world’s first and only university to exclusively offer undergraduate and graduate degrees in forensic and investigative science.

Established in 2009 by founder-Professor J.M. Vyas, Vice Chancellor, the small NFSU campus, which included but four small buildings, has grown into a major university with eight campuses and a ninth campus opening soon. In addition, there is an ongoing discussion about opening two international campuses.

**National Forensic Sciences University (NFSU)  
Gujarat, India**  
*The world's first and only university dedicated exclusively to Forensic: Behavioural, Cyber, Digital, and allied Sciences – [www.nfsu.ac.in/](http://www.nfsu.ac.in/)*

Prof. Vyas was one of the most senior forensic scientists in the country when he decided to establish the then-Gujarat Forensic Science University in 2009. Prof. Vyas has served on many important forensic committees and is widely recognized as one of the leading forensic experts in the world. His expertise and passion for the forensic sciences situated him well for establishing the world’s first university of this type. NFSU has also evolved from a state-level university into an Institution of National Importance as designated (October 01, 2020) by the Indian government. This designation means the government recognizes the importance of the university as a learning institute and its relevance to welfare and public safety in India. This is the highest status a university can receive in that country, and NFSU is one of only a few universities the Indian Ministry of Home Affairs directly supports.

The National Forensic Science University’s primary and original campus is in Gandhinagar (in the State of Gujarat, SW of Delhi). While students can study a wide array of forensic subjects there, the university also serves as a training facility for professionals in the field. To ensure the university remains at the cutting edge, given the dynamic nature of forensic sciences, NFSU has entered into various academic collaborations worldwide and within India to ensure

it harnesses the latest knowledge, technology, and best practices across the spectrum of forensic sciences. Since 2009 NFSU has trained over 22,000 officers, including over 2500 foreign officers from 75 different countries.

### **NFSU: A COMPREHENSIVE EDUCATIONAL OPPORTUNITY IN FORENSIC SCIENCE AND CRIME INVESTIGATION**

Virtually every country in the world has a criminal justice system to help ensure the safety and security of its citizens. Yet crime still happens and, in some cases, especially as crimes and their modus operandi continue to evolve, the ‘dark figure’ (unresolved cases) continues to grow (e.g., Criminal victimization... , 2021). Criminologists, criminal justice practitioners, and scholars increasingly rely on technology to help fight or disrupt crime but there is an acute shortage of forensic experts in Canada and globally (e.g., Law, 2022). Educating future forensic specialists must be prioritized moving forward to fill this gap and ensure the specialists needed for research that ideally combines forensic science, criminal investigation, security, behavioural science, and criminology under ‘one roof’. After all, it takes a ‘village’ (dedicated university) to raise (fight) complex crime phenomena.

NFSU is such a school! Drawing on the fundamental building blocks of theory, academics, and practical training, NFSU offers undergraduate, graduate, and various diploma programs across a broad spectrum of the forensic sciences. NFSU offers programs in forensic science, forensic biotechnology, multimedia forensics, fingerprint sciences, forensic documentation examination, crime scene photography, crime scene management, forensic ballistics, and cyber and digital forensics. In addition to the educational aspects of these programs is the integration of state-of-the-art (research) labs, which also function in a consultancy capacity with ‘real life’ crime investigations.

As well, the National Forensic Science University (NFSU) fosters interdisciplinary research and pushes the knowledge frontiers of forensic science and crime investigation. It includes several related schools, such as medico-legal studies, a school of pharmacy, a school of behavioural science, forensic psychology, police science and security studies, and a school of law, forensic justice and policy studies.

As someone who has worked in the criminology and criminal justice field for over 35 years, I can attest that NFSU represents a unique opportunity for future learners and researchers who want to be involved in the latest strategies of crime investigation. Learners can earn an undergraduate or graduate degree or a diploma to improve their skills and knowledge in a given area of expertise.

### THE FUTURE IS BRIGHT

Studying criminology and/or criminal justice is popular among many post-secondary students. The career opportunities are diverse, and the remuneration is reasonable in most areas. And while there is more to public safety and security than what the forensic sciences can offer, it represents a burgeoning area of education and investigation for those who study/research criminology and criminal justice. As the first and only university in the world to offer such a comprehensive program, NFSU may be an option for those interested in pursuing their education in Forensic Sciences and Crime Investigation and a related line of work.<sup>2</sup>

### NOTES

1. The author wasn't offered any incentive by the university or any of its staff to prepare this article.
2. If interested in learning more about the school you can visit their website at: <https://www.nfsu.ac.in/>

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## RÉSUMÉ

**The evolving nature of criminology and criminal justice: Studying at the first and only university in the world dedicated exclusively to Forensic Science and Crime Investigation**

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Depuis l'établissement du premier programme de criminologie à l'Université de Montréal en 1972, les universités et les collèges canadiens offrent une grande variété de programmes de criminologie et de justice pénale incorporant un nombre croissant de manuels scolaires canadiens. Pourtant, les étudiants canadiens qui désirent obtenir un diplôme de deuxième cycle dans certains domaines, comme la criminalistique, doivent étudier en ligne ou à l'étranger. La National Forensic Sciences University au Gujarat (Inde) demeure la seule université au monde dédiée exclusivement aux sciences judiciaires criminalistiques, du comportement, de la cybersécurité, de la criminalistique numérique et aux sciences connexes. ([www.nfsu.ac.in](http://www.nfsu.ac.in))

# From Handcuffs to Healing

**DOUG HECKBERT\* WITH JENNIFER BRYCE\*\***

\*Author of *Go Ahead and Shoot Me! And Other True Cases About Ordinary Criminals* (Durville Publications, 2020);  
Former probation officer, prison caseworker, parole officer, staff trainer/program director, and professor.

\*\*Motivational Speaker, Trainer, Consultant, and Owner of Lil' Bear Resources (Canada).

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*Section Editor Doug Heckbert brings hope and possibility alive with real-life stories in criminal justice. Jenn's enlightening story illustrates that people can change, including those with long histories of criminal justice involvement, homelessness, alcohol and drugs. She began working with an Elder while serving her final sentence and held casual-labour jobs, volunteered at Elizabeth Fry, and worked with high-risk youth for the Native Counselling Services of Alberta postrelease. Jenn then worked with the Edmonton police and Native Counselling Services of Alberta in HELP (Human-Centered Engagement and Liaison Partnership) until resigning in May 2023 to focus exclusively on her business, Lil' Bear Resources.*

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## **JENN SPENT TWENTY-TWO YEARS IN THE YOUTH AND ADULT CRIMINAL JUSTICE SYSTEMS**

This real-life story is about Jennifer Bryce as told to Doug Heckbert, Section Editor with the *JUSTICE Report*. Jenn has worked as a navigator for the *HELP* program (Human-Centered Engagement and Liaison Partnership) with the Edmonton Police Service (EPS) in partnership with Native Counselling Services of Alberta (NCSA). What is unique about this story is that Jenn spent twenty-two years in the youth and adult criminal justice systems – she has a long Fingerprint Service (FPS) record, starting as a youth stealing stuff at age thirteen and ending up serving two sentences in a federal penitentiary for women. Crimes of violence and escapes also are included on her record and Jenn abused alcohol and a variety of drugs for many years. In my view, she would be considered a “tough case” by most criminal justice officials. Her last (FPS) entry is dated December, 2008 when she completed her final sentence.

## **JENN'S TURNAROUND: THE HELP OF AN ELDER AND THE POWER OF CULTURE, CEREMONY AND PRAYER**

During that last sentence of imprisonment, Jenn started working with an Elder and began taking part in culture and ceremony. At this point in her

sentence, she took programs seriously and focused her attention on getting whatever she could out of them. Upon release, Jenn continued learning her culture and experiencing ceremony. Creator became a fixture in Jennifer's mind and spirit, and she came to rely on the power of prayer. The teachings of the Medicine Wheel became an integral part of her beliefs, part of her ongoing journey. These influences inform a big part of her mindset and behavior to this day.

Following the completion of her last sentence in 2008, Jenn worked in a dairy, a fast-food restaurant and as an equipment operator. She volunteered with the Elizabeth Fry Society in Wetaskiwin doing court work. She was then hired by NCSA in 2014 to work with high-risk youth and later in housing and as a trauma support worker and co-facilitator.

As Jenn became settled and firmly grounded in culture, she dreamt of running her own business where she could “give pieces of my story” to others who were struggling as she had. In 2018, she felt confident enough to start her own business, Lil Bear Resources, named after a nickname from her dad. Her first contracts were in Alberta and Saskatchewan, working with high-risk Indigenous youth as they transitioned toward community supervision. Jenn



had also dreamt of living and working in a rural setting, so she jumped at the opportunity to partner with a friend who owned land and cabins in the Alberta foothills. She was “living the dream” until that friend became very ill; Jenn had to close her foothills operation, relocating to Edmonton in 2021.

### **JENN’S RECRUITMENT BY NATIVE COUNSELLING SERVICES OF ALBERTA’S HELP PROGRAM**

In 2022, NCSA asked Jenn to join the *HELP* (Human-Centered Engagement and Liaison Partnership) team, which paired EPS patrol officers and Indigenous navigators. Jenn felt it was a tough decision to make and took time to reflect on this offer: Was she settled enough? Was she strong enough? Did she really want to live in the city after being in the foothills? Could she work in partnership with police officers in the city where she had once been homeless, addicted and causing chaos? Where could she be to flourish, to grow, to learn? She prayed a lot, spent time in nature and talked with people she knew and respected, then decided YES!

Jenn arrived at 7:00 AM for her shift with the *HELP* program (Human-Centered Engagement and Liaison Partnership) with the Edmonton Police Service (EPS), a position that she held until resigning at the end of May, 2023. She is now devoting all her time to her business, Lil Bear Resources ([www.lilbearresources.ca](http://www.lilbearresources.ca)).

### **JENNIFER BRYCE HELPING OTHERS: A DAY IN THE LIFE**

*“Usually, we smudge before parade. We have a cultural room in our office, and we use that cultural space to go in and smudge in the morning. The officers are also smudging with us as well. Here, there is diversity and balance. We smudge, parade and then gear up for the day. At parade, the police term for a morning meeting, our Sergeant goes through where we are to go; provides updates on any of our clients, like who is struggling with addiction, homeless or in jail; lets us know of any information that will impact our shift; lets us know who is paired with who and lets us know what appointments we have – there are some clients that are assigned to me.*

*I make sure my backpack is full of warm clothes, snacks, and any supplies that people with social disorder need like socks, gloves, hand warmers; bottles of water and granola bars are in the vehicle. I carry gift cards and cigarettes – that’s a great relationship builder in the Indigenous community. I*

*also carry a smudge pan, sage and matches – that is again part of who I am. A high percentage of the people we come into contact with are Indigenous, so it is another way to build relationships, to assist people to come back to culture, come back to who they really are. We carry naloxone kits because we deal with overdoses every day, like all other front line workers – we are trained for that.*

*We could be called on to assist other patrols with social disorder calls and we don’t schedule these so we are always unsure of just what we will be facing. Now, we are ready to head out for the day.*

*And away we go. We jump in the HELP vehicles with our partners who are constables. They have been there a long time, are hand-picked members who are human-centered and geared toward the bigger picture of helping people and providing a safer community, not just enforcement. This has been a healing journey for me, getting to see the people behind the uniform, who they are as people, getting to see the trials and tribulations they’ve had. Just because they are cops doesn’t mean they don’t have relatable experience that we face on the streets. We spend all this time together doing this work so a lot of the time we bounce things off each other while we are in the car, heading out for the day.*

*That’s the beauty of what they have developed, bringing social agencies together with police officers. It’s back and forth, a healing journey, a working relationship. There’s respect and equality. It is a process where they look to us, their partners. I look to them to have my back while I go to places where I used to walk. I get to be part of that scene, again. ‘Hey, man, let me give you a hand’. Like, I get it.*

*Having that is another powerful, wonderful experience. To have those officers walking in uniform with me excites me. It’s such a wonderful thing that’s being done. It’s across the board with other social agencies where different perspectives work together for the person for the best possible outcome, to give that person a hand up.*

*I have a participant who has been referred to me, so I go look for him at the shelters, last known locations, building relationships with the community because I’m looking for my guy. We are building relationships so we all can see people as people instead of ‘Let’s get this homeless guy outta here’. Now it’s ‘Let’s have a coffee while we call 211, the help line’.*

*There are some poster people for me. One guy went from being a hard core fentanyl user to being on medications to help with cravings to looking for employment, checking into mental health, to being housed after living in a tent for years. We see people in those negative conditions—and with the assistance of the HELP team and help from the social agencies, they stay out of shit and are more inclined to stay out of trouble. They are building a relationship with a police officer that before may have been broken. They meet our unit and say 'Holy shit! You get what I'm talking about, where I'm at'; then they start to heal that relationship with that officer.*

*At the end of the day, the navigators and officers come back to the office and do the case notes on our clients, whether we found them or not, next appointment dates, whatever. If it's not written down, it didn't happen. We sit around the office for a while to decompress – every day is tough. The people here are built for it, tough people who are also gentle, loving and kind. We talk about barriers we faced on the shift, something that hit hard, because we see some pretty ugly stuff.”*

#### **JENN OFFERS A GLIMPSE OF WHAT LIES AHEAD FOR HELP**

*“People across Canada and from the US are coming to check us out, to learn about it. People are seeing that this is really working, Wow! What's up with this? If we can build those relationships back with police and start modelling to our community members, great work is being done. HELP will be expanding to all divisions – a really cool thing!”*

#### **JENN'S CONCLUDING REMARKS**

*“My colorful past speaks for itself. It is now 15 years that I've been out. I've gotten to a place in my healing journey where I can work alongside police as partners. It's been a great journey with this. I love it! I love what everyone does. I love how it's growing and I'm proud! I'm proud of every police officer, every navigator, our team leader, all the agencies involved. I'm really grateful that NCSA is part of this partnership. It makes perfect sense.”*

#### **DOUG'S CONCLUDING THOUGHTS**

In criminal justice, we hear a lot about screw ups and repeat offenders, but we rarely hear about those we worked with who decided to live lawfully, use the things they learned about in programs and turn their lives around. These success stories often go about their lives quietly and do not make a big issue about their past. Jenn Bryce, like many other former

offenders, acknowledge where they have been and, where appropriate, draw on their past to help others in a unique manner. I am becoming a firm believer there should be more room for “lived experience” in criminal justice and in our communities.

## **RÉSUMÉ**

### **From Handcuffs to Healing**

#### **DOUG HECKBERT WITH JENNIFER BRYCE**

Doug Heckbert (chef de section) donne de l'espoir avec des véritables récits du système de justice pénale. L'histoire enrichissante de Jenn montre que des gens peuvent changer, malgré une longue histoire de justice criminelle, d'itinérance, d'alcool et de drogues. Encadré par un aîné alors qu'elle purgeait sa dernière peine, Jenn a fait des emplois occasionnels, du bénévolat chez Elizabeth Fry et du travail auprès des jeunes à risque élevé pour *Native Counselling Services of Alberta*. Jenn a ensuite travaillé avec la police d'Edmonton et *Native Counselling Services of Alberta* dans le cadre de HELP (Human-Centred Engagement and Liaison Partnership) avant de démissionner en mai 2023 pour s'occuper exclusivement de son entreprise, *Lil Bear Resources*.



# Banff 2024

PURSuing RECONCILIATION IN THE CANADIAN CRIMINAL JUSTICE SYSTEM

39TH CCJA CONGRESS

## Moving Forward Together: Exploring Pathways to Reconciliation, Healing, and Public Safety

October 6-9th, 2024

### 2024 Call for Abstracts

You are cordially invited to submit an abstract to present at the **39th Congress on Criminal Justice!**

This national event is hosted by the Canadian Criminal Justice Association in collaboration with the Alberta Criminal Justice Association. It will be held at the Banff Centre for Arts and Creativity in Alberta.

We are expecting to attract over 400 participants, exhibitors, and leaders from across the country.

The theme of the event will be **Moving Forward Together: Exploring Pathways to Reconciliation, Healing, and Public Safety**

**Logo rationale:** The florals resemble the Cree people, as they often use florals within their design patterns to identify their family, unique self or other related explanations. The four geometric design resembles the Tsuut'ina people (Dene), as they use geometrics within their traditional design patterns usually reflecting the landscape they call home or traditional family designs. The mountains resemble the Stoney Nakoda people, as they live near the mountains. The cross symbolizes the North Star (spiritual guidance) and the four dots are fallen stars (aka shooting stars), both symbols are a reflection of the Blackfoot people. The Buffalo and track symbolize all Indigenous people, the resilience and strength carried forth. As a Buffalo pushes through a storm, we embody the same spirit. The pipe symbolizes peace and unity. The four feathers for all relations (First Nation, Inuit, and Metis including non-indigenous) in the four directions. The logo overall is a representation of Indigenous people that reside within the province of Alberta. Symbols that all share their own stories passed down from generations from ancestors that obtained these symbols from visions, dreams and spirit. This logo is an interpretation based on the artist's inspired creative viewpoint.

Visit [WWW.CCJA-ACJP.CA](http://WWW.CCJA-ACJP.CA) for more details.

Submit at <http://www.innovative4youevents.com/ccja2024.htm>

Questions? Contact Sherry Sim, Event Manager: 1-866-655-8548 or [sherry@innovative4you.com](mailto:sherry@innovative4you.com)



## THEMES AND SUBTHEMES

### Reconciliation and Restorative Justice

- Applying restorative justice practices
- National (and International) best practices: How to heal the harms imposed on indigenous peoples over the decades
- Have we overlooked the treatment of Black Canadians?

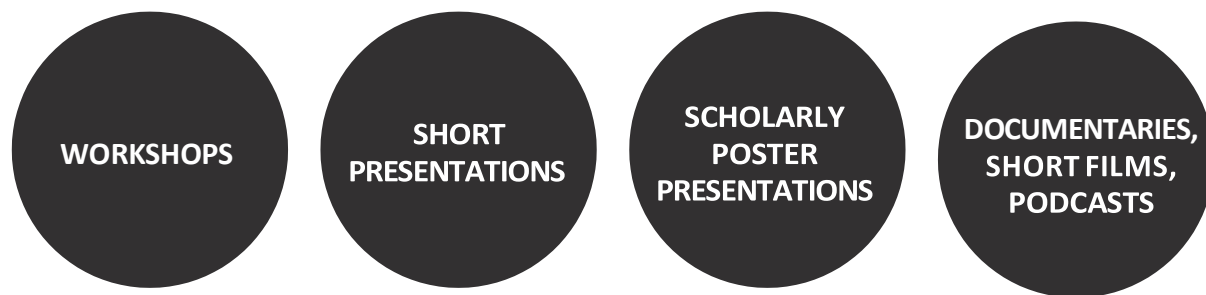
### Pathways to Healing

- Does one size fit all?
- Identifying pathways toward healing
- Vicarious trauma
- Criminal justice populations & mental health
- Adaptive strategies for elderly & disabled offenders
- Specialized criminal justice for minority groups
- Why are more women in conflict with the law today?
- Therapeutic jurisprudence
- Addictions, crime, and public safety

### Public Safety and Changing Paradigms

- Indigenous Policing
- Racialized data collection: practices & challenges
- Community as partners in reconciliation
- 3P – Public Private Partnerships
- Social disorder issues
- Consequences of the anti-police and defund movements
- Cancel culture's impact on the CJS
- Media reporting: bias and advocacy vs informing and educating the public
- Addiction, crime, & public safety

## Presentation Types



Submissions should provide a brief explanation of the presentation in 150 words or less by **JANUARY 15<sup>th</sup> 2024**

(<http://www.innovative4youevents.com/ccja2024.htm>).

A discounted registration rate for the conference will be available to accepted presenters.

**Don't miss this high-profile networking event!**



# Banff 2024

CHERCHER LA RÉCONCILIATION DANS LE SYSTÈME DE JUSTICE PÉNALE CANADIEN  
39ÈME CONGRÈS ACJP

**Avancer Ensemble: Explorer les voies de la réconciliation, de la guérison et de la sécurité publique.**

6-9 Octobre, 2024

## Appel aux Contributions 2024

**Vous êtes cordialement invités à soumettre un extrait pour présenter lors du 39e Congrès sur la Justice Pénale!**

Ce congrès est organisé par l'Association canadienne de Justice Pénale en partenariat avec l'Association de Justice Pénale de l'Alberta, et aura lieu au Banff Centre for Arts and Creativity en Alberta.

On anticipe plus de 400 participants, conférenciers, et leaders venant de tout le pays.

Le thème du congrès est :

**Avancer ensemble: Explorer les voies de la réconciliation, de la guérison et de la sécurité publique.**

**Logo:** Les fleurs ressemblent à celles des Cris, qui les utilisent souvent dans leurs motifs pour identifier leur famille, leur personnalité unique ou d'autres explications connexes. Les quatre motifs géométriques ressemblent à ceux du peuple Tsuut'ina (Déné), qui utilise des motifs géométriques dans ses dessins traditionnels, reflétant généralement le paysage qu'il habite ou les motifs familiaux traditionnels. Les montagnes rappellent le peuple Stoney Nakoda, qui vit près des montagnes. La croix symbolise l'étoile polaire (signification spirituelle) et les quatre points sont des étoiles filantes, deux symboles qui reflètent le peuple pied-noir. Le buffle et les chenilles symbolisent tous les peuples indigènes, la résilience et la force qui les animent. Comme un buffle qui pousse dans la tempête, nous incarnons le même esprit. Le calumet symbolise la paix et l'unité. Les quatre plumes pour toutes les relations (Premières nations, Inuits et Métis, y compris les non-autochtones) dans les quatre directions. Le logo dans son ensemble est une représentation des peuples autochtones qui résident dans la province de l'Alberta. Des symboles qui partagent tous leurs propres histoires transmises de génération en génération par des ancêtres qui ont obtenu ces symboles à partir de visions, de rêves et d'esprits. Ce logo est une interprétation basée sur le point de vue créatif inspiré de l'artiste.

Visitez [WWW.CCJA-ACJP.CA](http://WWW.CCJA-ACJP.CA) pour plus de détails.

**Soumettre :** <http://www.innovative4youevents.com/ccja2024.htm>

Questions? Contacter Sherry Sim: 1-866-655-8548 ou [sherry@innovative4you.com](mailto:sherry@innovative4you.com)



## THÈMES ET SOUS-THÈMES

### Réconciliation et justice réparatrice

- Appliquer les pratiques de la justice réparatrice
- Comment guérir les préjugés subis par les peuples autochtones au fil des décennies?
- Meilleures pratiques internationaux
- Avons-nous négligé le traitement des canadiens noirs?

### Les voies de la guérison

- Y a-t-il une taille unique ? Identifier les voies de la guérison
- Traiter les traumatismes indirects
- Les défis de la santé mentale au sein des populations de la justice pénale
- Stratégies d'adaptation pour les délinquants âgés et handicapés
- Besoins spécifiques des délinquants issus de groupes minoritaires
- L'augmentation du nombre de femmes parmi les clients de la justice pénale
- Jurisprudence thérapeutique
- Addictions, criminalité et sécurité publique

### Sécurité publique et évolution des paradigmes

- Collecte de données raciales : la pratique, le défi
- Intégrer la communauté en tant que véritable partenaire de la réconciliation
- Présentation des partenariats public-privé (3P)
- Répondre aux problèmes de désordre social
- Conséquences sur le maintien de l'ordre des mouvements anti-police et des mouvements de défiance.
- L'impact de la culture de l'annulation sur le partage des diverses voies d'accès au système judiciaire.
- Les reportages des médias sur les questions de justice - partialité et défense des intérêts contre information et éducation du public.

## TYPES DE PRÉSENTATIONS



Les candidats doivent fournir une brève explication de la présentation en 150 mots ou moins avant le 15 JANVIER 2024 (<http://www.innovative4youevents.com/ccja2024.htm>). Un tarif réduit pour l'inscription pour la conférence sera disponible pour les présentateur acceptés.

**Ne manquez pas cet événement de réseautage de haut niveau!**

# How Victim Dissatisfaction, Recidivism, and the Failure to Recognize the Root Social Causes of Conflict and Crime Reflect the Failings of Retributive Justice: Restorative Justice Presents an Opportunity to Address These Problems and Improve the Justice System

**MIRANDA HENDERSON**

Bachelor of Arts - Criminal Justice Student, Mount Royal University (Calgary, AB)

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*Research has shown that the current retributive justice model is plagued by victim dissatisfaction and offender recidivism. Norwegian criminologist Nils Christie (1977) highlighted these and other issues related to this criminological model and created a new paradigm (now called restorative justice) that is victim focused and more. Restorative justice not only addresses the needs of victims and offenders but can also allow us to recognize and address the social causes of some criminal behaviour along the lines of transformative justice. In recent years many restorative justice elements have been incorporated into the current Canadian Criminal Justice System (particularly for youth offenders), but we need to take it further.*

*“We (in criminology) have focused on the offender, made her or him into an object for study, manipulation and control. We have added to all those forces that have reduced the victim to a nonentity and the offender to a thing.”*

–Conflicts as Property, Nils Christie, 1977, p5.

## **RETRIBUTIVE JUSTICE VS. RESTORATIVE JUSTICE**

Justice is a hard concept to pin down. Ask 100 people what justice is and you will walk away with 101 answers. One similarity among the myriad definitions is that most view justice through the lens of the criminal justice system under which they

live. Because we tend to use our justice system as a baseline, we can be ignorant of serious issues within it. Indigenous individuals are starkly overrepresented within our prisons, comprising 4% of the general population but 37% of the prison population (LaForme, 2021). Other disadvantaged ethnic and socioeconomic groups are also overrepresented, and the rate of offender recidivism is high overall (CSC, 2016). Victims are often unsatisfied with the courts, feeling the system lacks respect, understanding and compassion while discounting their efforts in the court process and failing to hold the offender accountable (Prairie Research Associates Inc, 2006). Increasing funding or staffing will not fix these

problems, as they are related to how the system is structured and the values that underlie it.

The Canadian criminal justice system was founded on a retributive justice paradigm. Offender-focused and adversarial, this model aims to reinforce social and behavioural norms by proving guilt and punishing offenders (Hass-Wisecupp & Saxon, 2018). Crime is perceived to be against society, which assumes the role of victim. The focus on punishing the offender results in victims becoming evidence, a role that does not address or compensate their loss, can make them feel ashamed, restricts their ability to gain closure and can revictimize them (Hass-Wisecupp & Saxon, 2018; Christie, 1977). Offender accountability is discouraged by the system's narrow, punitive scope, which has historically included isolating them from their communities (Hass-Wisecupp & Saxon, 2018).

There is little consideration of the underlying factors of crime (i.e., poverty, mental health, trauma) and how such factors can lead to maladaptive and criminal behaviour. Harm is defined solely in legal terms based (mainly) on physical/material losses; this fails to acknowledge the full harm done to victims of crime (Hass-Wisecupp & Saxon, 2018; Christie, 1977). Our system exacerbates the issues of victim dissatisfaction and offender recidivism by failing to recognize victim/offender needs and the root causes of conflict and crime—fixing this will require a fundamentally different model of justice. Restorative justice represents just such a model. It is an approach that holistically redefines justice and calls into question the structure/goals of our current criminal justice system.

Instead of defining crime as a violation of state law, a crime against society, restorative justice puts the focus on the violation of one person by another and the harm it causes (Hass-Wisecupp & Saxon, 2018). While retributive justice focuses on the offender (punishing them to reinforce norms) restorative justice focuses on victims (trying to help them heal). The restorative justice definition of harm is thus more expansive, encompassing physical/material, emotional/psychological and social dimensions; it aims to acknowledge victims' feelings of shame and harm done to secondary victims (individuals who are not directly impacted by the crime but experience negative effects (ex. fear) due to it) (Hass-Wisecupp & Saxon, 2018).

Restorative justice is defined by its focus on the victim (Hass-Wisecupp, 2018), but it also includes the offender and the community (Christie, 1977). Recognizing harm as a complex and unique experience which impacts individuals differently is an important aspect of restorative justice (Hass-Wisecupp & Saxon, 2018). The process of restorative justice is much less adversarial, requiring all participants' consent to occur and focusing on restitution, reconciliation and restoration that can heal the harm done to the victim (Hass-Wisecupp & Saxon, 2018). The offender taking accountability is important to this justice model, and a common goal of restorative justice programs is getting the offender to recognize the harm they have caused and take steps to repair it (Hass-Wisecupp & Saxon, 2018).

### **RESTORATIVE JUSTICE: NILS CHRISTIE'S "CONFLICTS AS PROPERTY"**

Nils Christie's "Conflicts as Property" is considered the earliest theoretical foundation of restorative justice. Christie saw conflict as potentially restorative, as it can benefit society, communities, and victims by providing opportunities for norm clarification, creating potential for participation, and thus also set the stage for what is now known as transformative justice (Christie, 1977). Conflict allows society the opportunity to discuss, argue and clarify our important norms when engaged (Christie, 1977).

Restorative Justice uniquely benefits victims by giving them a chance to address anxiety/ask questions/clear up misconceptions about the crime/criminal and be reimbursed for losses (Christie, 1977). It allows the offender to take responsibility, feel empathy, make reparations, tell their own story, and potentially receive forgiveness from the victim (Christie, 1977). Under retributive systems, the victim becomes a piece of evidence while the offender becomes a thing. This robs justice of the opportunity to revitalize communities and reduce fear of crime as a whole (Christie, 1977).

Christie's framing of harm in the context of the victim and more expansive view of harm are key foundations of restorative justice (Hass-Wisecupp & Saxon, 2018). Expanding the definition of harm benefits victims and society, as it allows victims to address how the crime has impacted them and begin the healing process and gives offenders the opportunity to take full accountability for the impact of their crime. In current restorative justice interventions, conflict is addressed (in part) through

facilitating dialogue between victims, offenders and communities, thus also allowing the social problems that underlie criminality to be considered and addressed.

### **CONFLICT RESOLUTION AS A FORM OF CRIME PREVENTION**

Christie's more holistic view suggests that some crimes can be circumvented through conflict resolution in the community by using restorative approaches to uncover and address the social problems increasingly known to underlie much of today's criminality. Christie suggested that many conflicts arise due to the "depersonalization of social life, and that some conflicts had become invisible due to the victims being isolated or the crime being committed by large organizations the victims had no way of fighting" (Christie, 1977).

While Christie's work is theoretical, he used a "classical study" to illustrate how the stage for crime can be set when people lose touch with important values/norms due to the erosion of cultural and family ties. A real-world restorative justice process helping to address depersonalization is the implementation of family group conferencing, which links the overrepresentation of Indigenous Māori youth in the New Zealand criminal justice system to the breakdown of Māori family structure and cultural norms being fractured (Hass-Wisecupp & Saxon, 2018). Instead of being punitive and sending young offenders away (further fracturing the bonds), family group conferencing holds offenders accountable and helps heal the victim, while also shedding light on and addressing the underlying social issues that led to the conflict.

Many of the social issues facing Indigenous peoples around the world were set in motion by colonization and preserved through systemic forces. As an example, high rates of poverty among the Māori and the disproportionate number of Māori children/young people in child protection (Abuse in Care, 2023) has contributed to the breakdown of the Māori family structure, which as previously mentioned influences the overpopulation of Māori youth in the criminal justice system. Instead of being punitive and sending young offenders away (further fracturing their bonds), family group conferencing holds offenders accountable and helps heal the victim, while also bringing to light and addressing the underlying issues that led to the conflict (Hass-Wisecupp & Saxon, 2018). Many Indigenous cultures around the world put value in restorative ideology.

While restorative justice may seem new to some, it has a longstanding presence in the traditional ideologies and cultural practices of some Indigenous peoples living in what is now called Canada. Crime was understood as something that caused harm to the entire community (directly or indirectly) (Hass-Wisecupp & Saxon, 2018). Elders facilitated conflict resolution in healing circles where the needs of the offender and victim created by the crime were addressed and remorse, forgiveness and the need for reparation could be expressed (Hass-Wisecupp & Saxon, 2018). This process gave victims an active role in the process (empowering them), allowed the offender a chance to fix the wrongdoing and made it easier for them to reintegrate into the community (Hass-Wisecupp & Saxon, 2018). Healing circles are a specific form of Peacemaking Circles; these circles are a dialogue process that brings the victim, offender, and members of a community together to foster mutual understanding and aid in making decisions (Hass-Wisecupp & Saxon, 2018). The first use of the circle process in a Canadian criminal justice proceeding took place in 1982 (Hass-Wisecupp & Saxon, 2018).

Indigenous justice approaches were historically suppressed through marginalization and cultural decimation of Indigenous people by governments, and such treatment has also resulted in intergenerational trauma and contributes to Indigenous overrepresentation as victims and perpetrators of crime (Hass-Wisecupp & Saxon, 2018). The 1994 Sentencing Reform Bill, the first formal attempt at incorporating principles of restorative justice into the Canadian criminal justice system, tried to address these issues (Hass-Wisecupp & Saxon, 2018). The Bill expanded the goals of sentencing from punishment/deterrence to repairing harm done to the community and instilling a sense of responsibility in the offender, while also putting new emphasis on understanding the needs of the offender/fostering reconciliation through open dialogues between victims and offenders (Hass-Wisecupp & Saxon, 2018).

### **RESTORATIVE JUSTICE WITHIN CANADA**

Currently, most restorative justice within Canada is community-based (run by charities/organizations outside government) or limited to the youth criminal justice system (which has a much heavier focus on offender accountability towards victims, victim/offender healing and offender reintegration into communities). While moving the adult penal system away from punishment (and incarceration)

would seem to be a daunting task, the Canadian justice system has already taken steps toward integrating restorative programming. For example, Correctional Service Canada (CSC) runs a restorative program for federal offenders called the Restorative Opportunities program (RO) (Correctional Service Canada, 2022b). It offers four forms of victim-offender mediation in which victims can tell their story, explain to the offender the crime's physical, emotional, and financial impact on their lives, explore unanswered questions about the crime and the offender, and participate directly in developing ways of addressing the harm caused (Correctional Service Canada, 2014). Offenders are also afforded opportunities to provide information and gain insights that contribute to their accountability and personal growth (Correctional Service Canada, 2022b).

CSC's Restorative Opportunities program has received over 2,700 referrals and facilitated more than 455 face-to-face dialogues (one of the four methods offered) since its implementation in 1992 (Correctional Service Canada, 2022a). Offenders who participated in the program had reduced recidivism; the impact was minimal for participants who undertook the program while in prison (26% vs 31% recidivism rates two years after the program)—post-release participants experienced much lower rates of recidivism: 12% vs 59% recidivism rates (Correctional Service Canada, 2016). For those who did re-offend, 69% of new charges were for lesser offences than those for which mediation was sought (Correctional Service Canada, 2021).

Looking beyond recidivism, the CSC's Restorative Opportunities program improved offenders' physical/psychological health, personal growth, commitment to addressing their criminogenic needs and active participation in their correctional plan (Correctional Service Canada, 2021). It also facilitated victim healing, with victims who participated reporting improved physical and psychological health, feeling more in control after the mediation, and gaining closure (Correctional Service Canada, 2021). The restorative justice approach and results shine a light on problems in the current justice system while offering a better way to move forward. Its focus on victims and more expansive view of harm are key to helping heal victims, offenders, and communities.

## CONCLUDING REMARKS

The retributive criminal justice system derives from one of the oldest criminal justice paradigms, and it is easy to assume it works because it persists. However, the way it discounts victim/offender needs and the root causes of crime signals a need for change. Fixing these issues will require a fundamentally different model of justice.

Restorative justice was formally introduced into Canadian criminal justice by a Mennonite Canadian (Elmira, 1974) and it is recognized as having emerged from the traditional justice practices of certain Indigenous groups (CJI, 1974). The establishment of the Victim Offender Reconciliation Program (VORP, 1974) made Canada the first nation globally to begin reconfiguring its justice system away from retribution.

According to the research of Nils Christie (1977), whose paper "Conflict as Property" laid out the building blocks for restorative justice, restorative approaches can also serve to identify social problems and injustices that can lead some to develop addictive and criminal behaviour. Restorative justice practices such as mediation and Peacemaking Circles can be integrated into schools and social service sectors to better address conflicts such as discrimination, childhood abuse/neglect, intergenerational trauma, poverty, and bullying – to prevent future crime by reducing criminogenic factors.

Taking a restorative approach to revising the penal system is in keeping with current trends toward community policing in Canada. Increased use of restorative justice, both inside and outside the prison setting, should clearly be fostered. Since restorative practices are more present in the youth criminal justice system than the adult system, the author<sup>1</sup> calls for more research into the potential for restorative practices already in place in the youth system to be implemented for adult offenders. Research should also look into how implementing a paradigm shift from retributive to restorative justice would best be accomplished, or if the focus should be put into entrenching more restorative programming (such as Restorative Opportunities) into the current system. Justice is hard to define, but most can agree a key part of it is helping victims to heal and become whole. Restorative justice

presents an opportunity to do so, while also using the understanding offered by the conflict to further transformative justice and put conflict back where it belongs, in the hands of communities.

## NOTES

1. In this article, "the author" refers to Miranda Henderson.

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## RÉSUMÉ

**Victim dissatisfaction, offender recidivism, and the failure to recognize the root social causes of conflict and crime reflect the failings of retributive justice: Restorative justice presents an opportunity to address these problems and improve the justice system**

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La recherche montre que le modèle actuel de justice punitive est affligé par l'insatisfaction des victimes et la récidive des contrevenants. Le criminologue norvégien Nils Christie (1977) a souligné ceci et d'autres questions du modèle criminologique actuel, créant un nouveau paradigme (maintenant appelé justice réparatrice) axé sur les victimes. La justice réparatrice répond aux besoins des victimes et des délinquants tout en nous aidant à reconnaître et éliminer des causes sociales du comportement criminel. Au cours des dernières années, de nombreux éléments de justice réparatrice ont été intégrés au système de justice pénale canadien actuel (en particulier pour les jeunes contrevenants). Nous devons toutefois aller plus loin.



# Restorative Justice: A Path Towards Addressing Systemic Racism in the Criminal Justice System

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*The Canadian government's 2020 repeal of mandatory minimum sentences for certain drug-related offences marks a positive step forward for restorative justice in many ways. For example, Indigenous persons facing such charges can again be considered under the Gladue sentencing principles (1999). Nevertheless, the fundamental mismatch between restorative justice and Canada's retributive legal framework, as illustrated by our courts' persistent failure to implement the Gladue sentencing principles before 2011, calls for further research to address the overrepresentation of Indigenous, Black, and other racialized persons in Canadian prisons.*

## INTRODUCTION

Canada's recent repeal of mandatory minimum sentences for certain drug offences and limitations on conditional sentencing – enacted through the controversial omnibus bill (C-10) of 2011 – takes our criminal justice system in a positive restorative direction by freeing the courts to, for example, consider the use of the Gladue sentencing principles for Indigenous accused facing certain drug-related offences. Restorative justice can be a powerful tool in dismantling systemic racism and reducing recidivism in particular cases, but critics point out that “retributive and restorative approaches to justice [are] irreconcilable – essentially arguing that judges would not be able to both adopt Gladue principles and adhere to traditional sentencing principles” (Haslip, 2000; Pfefferle, 2008).

The Canadian criminal justice system has long grappled with the pervasive issues of systemic racism and the overrepresentation of Indigenous, Black, and other “racialized” persons in prisons. In many cases, these deeply entrenched problems have acted as correlates of crime by perpetuating inequality, contributing to social and economic disparities, and eroding trust in the justice system.

With Bill C-5 (2021), the Canadian government repealed mandatory minimum penalties for specific drug offences enacted in 2011 under the Conservative government's controversial omnibus bill (C-10). Aside from other costs and harms (John Howard, 2023; CCJA, 2022), mandatory minimum sentencing principles restrict the court's use of certain restorative justice approaches, such as the Gladue principles, for drug-related crimes in which Indigenous persons are also overrepresented in arrests and convictions.

While the term “restorative justice” has roots in religious texts and certain Indigenous cultures around the world (United Nations, 2020), modern usage of the term is attributed to the U.S. psychologist, Albert Eglash. Eglash apologized for the initial offender-centred focus of his 1957 exploration (Maruna, 2014). Howard Zehr popularized the term “restorative justice” in 1990. The German restorative justice pioneer, Elmar Weitekamp, observed that “collective responsibility” in certain ancient societies made punishment rare, but these “systems of conflict resolution” were later replaced by state-controlled criminal justice in the 12th century (Fawcett, 2021).

The fundamental principles and values of restorative justice include “healing instead of harming, moral learning, community involvement and community concern, respectful dialogue, forgiveness, responsibility, apology, and making amends” (Nicholl, 1998, p. 7). Restorative justice was initially defined as a process “whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future” (Marshall, 1996, p. 37). Under this definition, the parties principally consist of the offender and victim but also include members of their families and respective communities who were affected or are likely to preclude the offender from reoffending (Marshall, 1996; Walgrave, 1998).

Canada’s Federal-Provincial-Territorial Working Group on Restorative Justice defines restorative justice more completely, as “[a]n approach to justice that focuses on addressing the harm caused by crime while holding the offender responsible for his or her actions, by providing an opportunity for the parties directly affected by crime – victim(s), offender and community – to identify and address their needs in the aftermath of a crime” (Spotlight, 2023). Yet, it remains somewhat unclear what “community” implies. Chartrand and Horn (2016) clarify this by defining restorative justice as “[a]n approach to crime and conflict that brings the victim, the offender, members of the larger community, and oftentimes professional service providers together into a non-hierarchical setting to collectively address a harm that was committed and to set a path towards reconciliation between all relevant parties” (p. 3).

Within the criminal law context, however, “restorative justice is not just one consideration or one kind of sanction, but rather an alternate theoretical approach to justice” (Spotlight, 2023, pp. 22-24). Regardless of how it is defined, restoratists consider restorative justice to be a revolutionary practice marking a decisive break from “punitive apriorism” and the traditional liberal and conservative policies that have long dominated the mainstream criminal justice system (Umbreit, 2002; Walgrave, 2008, p. 96). The community at large is therefore a crucial aspect of restorative justice, which is, in principle, designed to integrate a plurality of stakeholders in dealing with criminal behaviour (McCold, 2000; Wenzel, Okimoto, Feather, & Platow, 2008).

Despite its relatively recent inception, restorative justice has made significant inroads. Studies have

consistently demonstrated that individuals who participate in restorative justice programs derive higher levels of satisfaction from the process in comparison to those who submit to the traditional criminal justice process (Combs, 2007; Sherman & Strang, 2007; Sherman et al., 2015; Strang et al., 2013). For example, victim, offender, police, and community satisfaction levels with the restorative process tend to be “extremely high, typically at 90-95%” (Combs, 2007, p. 137). In short, restorative justice is at least as, and sometimes far more, effective than traditional juvenile and criminal justice processes in ways that retributive justice is not.

Notwithstanding that restorative justice places a strong emphasis on the victim, it also creates significant benefits for offenders by holding them responsible and accountable for their actions (McCold, 1996; Sherman et al., 2015). Various studies suggest that restorative justice is also conducive to substantially reducing recidivism among certain offenders, particularly violent offenders (Sherman & Strang, 2007; Sherman et al., 2015; Strang et al., 2013). Moreover, when restorative justice measures are used as an alternative to (short) prison sentences for adult offenders, recidivism is still reduced (Sherman & Strang, 2007). Perhaps more surprisingly, experiments testing the outcomes of face-to-face conferences have found a highly cost-effective, albeit moderate, reduction in recidivism (Strang et al., 2013). For Public Safety Canada (2003), even a “small effect on offender recidivism” makes restorative justice “worth considering”.

Restorative justice research often distinguishes between “primary” and “secondary” stakeholders. Under such conceptions, primary stakeholders refer to the victims, offenders, and the support of communities of the individuals directly affected, whereas secondary stakeholders refer to macro-communities and the larger society comprised of localities, neighbourhoods, and townships indirectly or incidentally affected by the crime (McCold, 2000). Such macro-communities often include volunteers who represent “community interests” at restorative justice conferences. These macro-communities can play a particularly important role in the cooperative process of restorative justice (Pavlich, 2013). For example, the macro-community plays a pivotal role in attempting to repair and restore the fabric of a community by collectively addressing the needs of the victims, reintegrating offenders into society, and building stronger and more resilient communities (Pavlich, 2013).

These are clearly the goals of the Gladue sentencing principles added to s. 718.2(e) of the Canadian Criminal Code by the Supreme Court of Canada's ruling in *R v Gladue* (1996). The courts' subsequent non-compliance with Gladue brought to light in *R v Ipeelee* (2012) may be another reason the Gladue principles have been perceived by Indigenous offenders to be ineffective and inconsistently applied (see Iacobucci, 2013; Pfefferle, 2008; Roach, 2009 in Spotlight, 2023). Canada's recent repeal of mandatory minimum sentences, which had stopped the courts in their tracks when it came to Gladue sentencing principles for certain drug-related offences, clearly re-orientates the courts in a restorative direction. Despite this and the strides made in restorative justice in Canada, particularly for members of our most marginalized groups, further research addressing the fundamental disconnect between Canadian retributive law and restorative justice approaches is needed to ensure the broader implementation of restorative justice moving forward.

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## RÉSUMÉ

### Restorative Justice: A Path Towards Addressing Systemic Racism in the Criminal Justice System

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L'abrogation des peines minimales obligatoires pour certaines infractions liées aux drogues faite par le gouvernement fédéral canadien en 2020 est une étape positive vers la justice réparatrice. Par exemple, tout personne autochtone peut de nouveau être prise en compte dans l'arrêt Gladue pour ces types d'infractions. Néanmoins, le fossé fondamental entre la justice réparatrice et le cadre juridique punitif du Canada (comme illustre l'échec persistant de nos tribunaux dans l'application de ces principes de détermination de la peine avant 2011) nécessite d'autres recherches liées à la surreprésentation des Autochtones, des Noirs et d'autres personnes racialisées dans les prisons canadiennes.

# A Summary of “Addressing Violence in Prisons: An Analysis of Situational Crime Prevention and its Theoretical Application to the Canadian Correctional System”<sup>1</sup>

MEGAN DAVIDSON, BA, FRSA, RSE

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*The narrative around Canada’s penitentiaries has been almost unchanged since the opening of our first official correctional facility, Kingston Penitentiary, in 1835 (Correctional Services Canada [CSC], n.d.). There has been a shift in the conversation surrounding how we approach corrections as a punishment and the retributive mindsets that many hold. Many of the restorative models for situational crime prevention (SCP) have focused on transformation of decimated urban spaces, the use of healing lodges and other alternative spaces, and even changes to the way police intervene. However, such conversations are rarely extended to the prison setting and the architectural shift needed to create more rehabilitative environments inside the walls. With Crime Prevention Through Environmental Design making headway in nations such as Norway and Australia, perhaps it is time to shift the Canadian narrative.*

## INTRO

Looking back in time from Canada’s most recently approved penitentiary, Leclerc Detention Facility scheduled to open in 2030 (Rowe, 2022), to the creation of Kingston Penitentiary in 1835, our prisons, jails and correctional facilities have all functioned as a substitute or addition to capital and corporal punishments rooted in a retributive exordium. Through the creation of healing lodges and rehabilitation-focused updates, we have seen a break in the crack of this ingrained punitive mindset. Many of these restorative models encompass situational crime prevention space (SCP) theory, which originated in the 1980s.

SCP, which for the sake of this article will also encapsulate defensible space (DS) and crime prevention through environmental design (CPTED), despite being highly nuanced, denotes the ability to adjust the environment within which individuals operate as well as their psychological, social and emotional ties to the space. As such it reduces the

hold that criminality may have on environments and individuals using target removal and place-based affect adjustment (Clarke, 1997). SCP, DS, and CPTED have been noted by various authors, including Clarke (1997), MohammadiGorji et al., (2021), and Vagi et al. (2018) to aid in the successful reduction of violence and aggression in settings such as schools, dementia and psychiatric wards in hospitals as well as parks and public spaces that are seen as more classical applications (Clarke, 1997; Hedayati Marzbali, 2016; Sohn, 2016).

Not all current complaints of the correctional system (see double-bunking and warehousing but also lack of access to education and mental health services, as noted by the OCI; Zinger, 2022) can be corrected through a more intentional application of SCP, DS and CPTED. By adapting physical environments with a focus on success of inmates and reduction of

## NOTE

1. Davidson, M. (2023). Addressing Violence in Prisons: An Analysis of Situational Crime Prevention and its Theoretical Application to the Canadian Correctional System [Undergraduate Thesis, Mount Royal University]. Open Access Repository. <https://mru.abc.ca/islandora/object/mru%3A864/datastream/PDF/view>

aggression rather than on punishment itself, future success in programming and peer interactions can be fostered.

### **THE NORDIC SHIFT FROM RETRIBUTIVE TO RESTORATIVE PRISON CLIMATES IS ALSO BEING SEEN IN NORTH AMERICAN CORRECTIONAL SYSTEMS**

Through Davidson's (2023) thesis, the lack of SCP, DS, and CPTED research within the correctional setting comes into view. Most research within this field focuses on the application of target hardening to increase the fortress mentality in facilities—leading to increased fear (Ahalt et al., 2019; Brinkley-Rubinstein, 2013; Cozen & Sun, 2018; Jewkes, 2018). However, the growing popularity of Nordic prison approaches, which represent a shift away from retributive climates toward a restorative approach, can also increasingly be seen in North American correctional systems (Ahalt et al., 2019; Jewkes, 2018; Karthaus et al., 2019).

### **RECOMMENDED STRATEGIES TO REDUCE AGGRESSION AND VIOLENCE IN CORRECTIONAL FACILITIES**

Through Davidson's (2023) research, several key strategies were found to create an increased opportunity for successful application and reduction of aggressive behaviour within institutional settings. The author found that “when taken in tandem, territoriality, natural surveillance, and access control can mitigate aggressive and violent behaviours”.

Access control, hierarchy of zone, and natural surveillance strategies have been used in prisons to provide streamlined single-path entry systems aimed at reducing staff safety concerns. These strategies were found to aid in feelings of physical safety and psychological comfort for all who used the spaces, which have increased sightlines that create flow as well as being pleasing to the eye and easier to navigate for staff and inmates alike (Davidson, 2023).

Davidson (2023) noted that lines of sight and visibility have also been linked to client feelings of comfort and safety through the research of Francis et al. (2022) and Seppänen et al. (2018), who illustrated that daylight, soft lighting and ventilation were highly successful in reducing bullying when applied to forensic psychiatric hospitals.

Building on this, the applications of strategies such as milieu, stimulating conscious and territoriality fostered perceptions of social disorder (Bradshaw et

al., 2015; Francis et al., 2022; Lamoreaux & Sulkowski, 2020). “The presence of dirty and deteriorating spaces tends to send a message” that such spaces or the individuals in them are not valued, “which can then invite clandestine acts and misbehavior” (Lamoreaux & Sulkowski, 2020, p. 478). Post-build refurbishments to signage, maintenance, and programs to create community build murals were all noted to have positive effects.

### **SHIFTING AWAY FROM ARCHITECTURAL AUTHORITARIANISM IN THE CARCERAL ENVIRONMENT**

Future research on this subject is needed as many of the current studies lack external validity. However, as Morris and Worrall (2010) have pointed out, “environmental factors such as prison crowding, the ratio of security staff to inmates, prison gangs, sentence length, time to parole eligibility, custody status (i.e., security classification), and facility type each also plays a role in the relative harshness of the imprisonment experience for any given inmate” (p. 1087).

It is time to shift research within SCP and CPTED fields from the well-established fortification mentality of punitive correctional design which, along with other factors, works against inmate rehabilitation. Harsh correctional environments have been proven to reduce successful, post-incarceration reintegration (Ahalt et al., 2019; Brinkley-Rubinstein, 2013; Jewkes, 2018). The application of restorative justice principles to carceral design or retrofit of carceral spaces can help change Canada's retributive, punishment-driven prison system.

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## RÉSUMÉ

### **A Summary of “Addressing Violence in Prisons: An Analysis of Situational Crime Prevention and its Theoretical Application to the Canadian Correctional System”**

**MEGAN DAVIDSON, BA, FRSA, RSE**

Le récit entourant les pénitenciers du Canada n'a presque pas changé depuis l'ouverture de notre premier établissement correctionnel officiel, le pénitencier de Kingston, en 1835 (Service correctionnel du Canada [SCC], s.d.). La conversation sur les services correctionnels comme punitions et les mentalités punitives a changé. La prévention situationnelle du crime (SCP) reposant sur des modèles de justice réparatrice existe, tels que la transformation des espaces urbains et même la façon dont la police intervient. Cependant, de telles conversations sont rarement étendues au milieu carcéral et au changement architectural nécessaire pour créer des environnements plus réhabilitant à l'intérieur des murs. Compte tenu de la prévention du crime grâce à l'aménagement du milieu correctionnel dans des pays comme la Norvège et l'Australie, il est peut-être temps de changer le discours canadien. Cet article est basé sur la thèse de baccalauréat de l'auteur.



# A Book Review of Ezzat A. Fattah's *For the Love of Humanity: A Criminologist's Testament* (2023)

(Fattah, E. Seattle, WA: Amazon Kindle Direct Publishing. 2023. 404 p.)

**BOOK REVIEW BY DR. JOHN WINTERDYK—WRITTEN AS A FORMER STUDENT OF EZZAT FATTAH**

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*This 'surprise' book review is written by our Book Review Section Editor, Dr. John Winterdyk, as a former student of Dr. Ezzat Fattah. Fathoming Fattah's latest book (an anthology of his work spanning six decades) and recent trilogy (especially the volume on restorative justice), Winterdyk reflects on Fattah's timeless and controversial take on abolition and his prophecy that restorative justice will become the next "empire" in criminal justice.*

Full disclosure: I am WRITING this review as a former student of Professor Fattah, founder of the School of Criminology at Simon Fraser University and one of the true pioneers of Canadian criminology.

Only some nonagenarian academics continue to work at Fattah's level of productivity and passion. He completed a trilogy of works on victimology (2019, see CJCCJ 64.3, 2022), restorative justice (2019, see CJCCJ 63.1, 2021), and criminology today (2020, see CJCCJ 63.1, 2021) before publishing *For the Love of Humanity: A Criminologist's Testament* in 2023. In this latest book, Fattah's contribution is an anthology of his work spanning six decades.

As he discusses briefly in the Introduction and has chronicled in several past publications, Fattah's vision for the future was created through his life-course journey. As reflected in *For the Love of Humanity: A Criminologist's Testament*, he has not wavered from his sometimes-controversial position that a better form of justice, one dominated by "love", compassion, and restoration rather than punishment, is possible. Yet, he notes, "It is not possible to mandate or legislate love, just as it is impossible to outlaw hate" (p. v).

After reading the first few pages, I found myself

revisiting/recalling Peacemaking Theory – a theory I had found intriguing but that never became mainstream in criminology. Then on page vii, he refers to the 1991 'classic' by Pepinsky and Quinney -- Criminology as Peacemaking. I was also struck by Fattah's simple message, which is also deeply ingrained in the traditional values and beliefs of North America's Indigenous peoples – "Good words do not last long unless they amount to something" (Chief Joseph of Nez Perce Nation cited in Freisen, 1998: 43). Fattah's new anthology reflects a theme that has spanned his life-long career. The fact that Peacemaking Theory never really made it past 1991 yet there is still a need for this message to be shared suggests that the words/message are still not but should be part of mainstream thinking within our criminal justice system.

In addition to the Introduction and an Epilogue, Fattah's anthology *For the Love of Humanity: A Criminologist's Testament* is divided into four parts and covers fourteen original publications from 1968 to 2022 – 54 years!

Part One includes three articles about abolishing the death penalty, or "Practice of Life-for-Life" as he calls it (p. 1). Although the articles are all from the 1980s, the sub-title captures the essence of a message

that rings true to this day – “A primitive relic of the past that has no place in modern civilized society” (p.1). It is noted that while far fewer countries still practice the death penalty today than in the 1980s, the United Nations, Amnesty International, and other international organizations continue to campaign against its universal abolition.

Part Two includes three articles about the “inhuman practice of locking humans behind bars” (p.81). The opening question to this Part asks, “Is equal justice a mirage or a reality?” Again, all three articles are from the early 1980s, but given the preponderance of evidence indicating that retribution and the use of incarceration are not effective deterrents, and despite any/all advances in correctional practices, Fattah’s reference to a quote from George Bernard Shaw offers ‘food for thought’: “although imprisonment is the most cruel of all punishments, those who inflict it without having ever experienced it cannot believe it to be cruel” (p. 93).

The various articles examine different themes of correctional practices, such as community corrections (pp. 95-110) and a world without prisons! (pp. 111-156). However, in the end, Fattah remains steadfast in his belief that ever since the introduction of modern corrections (circa 1850s) and all the attempts to ‘humanize’ the practice of incarceration, punishment still does not ‘fit the crime’ and the notion of ‘proportionality for crime severity’ is another misnomer according to Fattah. Yet around 30 percent of Canada’s national criminal justice budget goes to corrections and almost 60% to the police (GoC, 2023).

Part Three offers another controversial topic – ‘the struggle to have (illicit) drugs regulated, not criminalized.’ Fattah’s three articles in this section date back to 1968 and the early 1970s! But, unlike in the first two Parts, this section does not include any “pertinent questions”. This is arguably an oversight, as the questions and introduction in the previous Parts offered some informative context and helped the reader approach the section with a sense of purpose and direction. Nevertheless, the articles address various aspects of how, despite a wide range of efforts (including some 20-plus countries that use the death penalty for drug offences) that none of the retributive measures have worked, and it will require policymakers “to challenge the theoretical justifications of the death penalty” (p. 193) and other draconian responses to drug crimes.

The fourth and final part of the anthology focuses on a longstanding theme that Fattah has been championing for over four decades. That is, replacing the prevailing retributive paradigm of justice with the principles that characterize restorative justice (see above the reference to his 2019 book on restorative justice). Throughout Part Four, Fattah repeatedly suggests there are concrete signs that restorative justice could/should become the ‘new’ justice model. As he points out towards the end of the last chapter in this section, history has shown that all empires reach a zenith, only to start their inevitable decline... “no tyranny last forever”, and perhaps it is time for restorative justice to become the new justice empire (p. 325).

The final section in the book includes a chapter that Fattah prepared in 2017, and it offers a rich overview of his life journey from Egypt up to his final years at Simon Fraser University. His ‘Epitaph’ provides a poignant summary that perhaps best captures the message of his anthology—“He was a dreamer! He dreamt of a better world, a free and just world” (p. 350).

Finally, one might question the merit of publishing an anthology such as this, as the works are all already available. However, when we acknowledge that despite all the financial, intellectual, and technological resources allocated to combatting crime since President Lyndon B. Johnson called for a “War on Crime”, in the 1970s, the evidence suggests that we have not been getting a good return on our investments. In 2018, a John Howard (2018) post noted that the annual justice budget was around \$50B or about \$550 per person annually! While some sectors are pointing to ‘success stories’, the preponderance of evidence suggests otherwise. It is perhaps this overarching legacy that makes Fattah’s anthology an exceptional collection of work and a reminder that can potentially prompt younger scholars to not only examine the veracity of the ideas shared but ideally also help move the needle forward in a manner that might parallel or even further advance Fattah’s message.

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## RÉSUMÉ

### **Recension du livre *For the love of humanity: A criminologist's testament* (2023)**

**By Ezzat A. Fattah, Ph.D., DHC (Liège), FRSC**

Seattle, WA: Amazon Kindle Direct Publishing. 2023. 404 p.

### **–RECENSION DE LIVRE PAR DR. JOHN WINTERDYK (EN TANT QU'ANCIEN ÉTUDIANT D'EZZAT FATTAH)**

Cette recension 'surprise' est écrite par l'éditeur de notre section de recension de livres, le Dr John Winterdyk, en tant qu'ancien étudiant d'Ezzat Fattah. Abordant le récent livre de Fattah (une anthologie de son travail couvrant six décennies) et sa récente trilogie (en particulier le volume sur la justice réparatrice), Winterdyk réfléchit sur la vision intemporelle et controversée (de l'abolition) de Fattah ainsi que sa prophétie selon laquelle la justice réparatrice deviendra le prochain « empire » de la justice pénale.

# Dr. John Winterdyk Retires— Scholar, Teacher, Mentor

**CATHARINE PANDILA**

Criminal Justice (Honours BA), Mount Royal University, Class of 2022

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Professor John Winterdyk, who always went the extra distance for students, has retired as full professor at Mount Royal University (MRU) in Calgary where he taught for 35 years but remains active in Canadian criminal justice.

I came to know Dr. Winterdyk in 2018 as I commenced my undergraduate degree at Mount Royal University (MRU). Shortly after, Dr. Winterdyk's classes became a staple in my MRU class selection. Now, as a former student, I am honoured to speak to Dr. Winterdyk's contributions, from a student perspective.

Dr. Winterdyk's office door was always open to borrow a textbook, propose a suggestion, or guide you to sources when you needed help. In short, he offered the generous gift of time to any student asking for help. In his classroom, silently and understatedly, he understood each of his students: who was falling behind, who the material was resonating with, who needed more support, and who was thriving. These qualities are a testament to Professor Winterdyk's commitment to student success. As for students that demonstrated their desire to achieve more, Dr. Winterdyk was always generous in offering additional opportunities.

Dr. Winterdyk's love of the Wallace Wheel and intolerance for the tardy are but a few of his signature qualities. His status outside the walls of the university also speak volumes. When attending a conference with him, it was apparent that others in the justice community, world-wide, not only know him or know of him, but covet his time.

Professors, by nature of their position, are the overarching representation of systematic culture at a university. Dr. Winterdyk is a keystone to the culture that envelopes the Criminal Justice degree at MRU.

Dr. Winterdyk's contributions to the MRU community and the students within the Criminal Justice program included not only the gift of his time, but also his real-world expertise and connections.

As an MRU alumna and former student of Dr. Winterdyk, it would be remiss of me to not recognize, appreciate, and lament, the absence of Dr. Winterdyk's future contributions to the prestige and rigor of the Criminal Justice program at MRU.

So, for myself, the academic community, and justice professionals who studied under him, I this scholar, teacher and mentor the very best in his future endeavours. Thank you Dr. Winterdyk!

## QUESTIONS & ANSWERS WITH MRU COLLEAGUE PROFESSOR DOUG KING AND DR. JOHN WINTERDYK

**Doug—You have been a guest lecturer or visiting scholar at universities and institutes around the world throughout your career. What stands out and why?**

**John**—Fortunately, I have been a visiting scholar at over a dozen schools worldwide – from the most northern university (Arctic University) in the world to Cape Town University in South Africa.

While they all were terrific and enriching experiences, my 4-6 stays at the Max Planck Institute in Freiburg, Germany, were some of the most memorable. I was able to work with many exceptional

scholars from around the world and ride my bike (I am an avid cyclist) in a beautiful part of Europe.

**Doug—Besides your own scholarship, you have served as Guest Editor for several journals and as an external member of numerous doctoral dissertation committees. These activities are challenging and time consuming. What attracts you to these kinds of scholarly activities?**

**John**—I have always enjoyed learning and have been fortunate to work with a wide range of exceptional scholars; serving

on numerous doctoral and MA committees has been equally rewarding as I have been able to gain some insight into what kind

of remarkable insight and intellect is being drawn to a discipline that was virtually unknown when I started.

**Doug—Given your experience, what do you see in the future for the discipline of Criminology in Canada?**

**John**—If there is anything I have learned from over 40 years in the field (as a student and then an educator), criminology is a dynamic discipline. As I have said repeatedly to my students (and in various writings), it is relative and evolutive. While it

may appear frustrating at times, I have always found the constant challenge to inform policy and seek (temporary) solutions rewarding and enticing. As many wiser colleagues have pointed out, today's and tomorrow's (Canadian) criminologists must

strive to think critically, challenge conventional wisdom, and use evidence-informed research to inform policy and champion the fundamental principles of justice.

**Doug—People who know you recognize your commitment to nutrition and fitness. What some might not know about is your accomplishments as a performance athlete. Can you give me a brief overview of your involvement in athletic competitions?**

**John**—As much as we might like to think we can control our destiny (the old dilemma of free will vs. determinism), my life course journey has been a clear example that nothing is 'absolutely' predictable or based on 'free will'. I went into academia only because my promising professional hockey career got derailed due to an unforeseen 'accident'. After

spending several years in the 'twilight' zone, in 1982, I saw the 'infamous' Julie Moss cross the finish line at Ironman Hawaii and decided to try it. I went on to win the Canadian Ironman (then called the Ultra), set several Canadian records for the Ironman distance, won the World Masters in 1994 (Brisbane), and excelled in triathlons and road racing bicycles. I found it a wonderful

escape from the heavy academic workload, fulfilling my passion for health and fitness...although family members might question the sanity of trying to combine two 'full-time' passions while also trying to be a (responsible) parent.

**Doug—Now that you are no longer tied to academia and the classroom, what plans do you have for the immediate future?**

**John**—I like to keep my options open....my life has been blessed with wonderful and, at times, unexpected opportunities and experiences. I may be retired but not ‘over the hill’. But, my immediate plans are to continue engaging in research and writing opportunities that intrigue me.

I have also accepted several invitations to give talks and workshops worldwide. I also hope to maintain contact with some dear colleagues and former students with whom I have a special connection.

However, I also look forward to spending more time with my family and grandchildren and perhaps inspiring them to reach for whatever stars inspire them.

**Read more about Dr. John Winterdyk in CCJA Interview, *Justice Report* 34.3 —[www.justicereport.ca/](http://www.justicereport.ca/)**

## RÉSUMÉ

**Dr. John Winterdyk Retires - Scholar, Teacher, Mentor**

**CATHARINE PANDILA**

Justice pénale (Honours BA), Mount Royal University, cohorte de 2022.

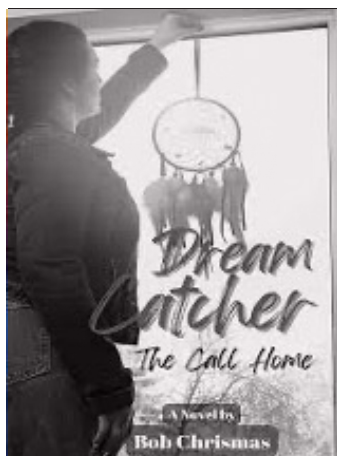
Réfléchissant à la retraite du professeur John Winterdyk après 35 ans à l'Université Mount Royal (MRU), où il a également été directeur du Centre de criminologie, cette ancienne étudiante salue son engagement indéfectible envers ces étudiants. Une brève entrevue avec le Dr Winterdyk, qui demeure actif dans le domaine de la justice pénale au Canada, par son collègue de l'UFM, le Dr Doug King, couronne cette réflexion sincère de la part des étudiants.



# FACT IN FICTION

BY **NANCY WRIGHT**  
WITH A DISCUSSION BY **BOB CHRISMAS**

This instalment of Fact In Fiction features *Dream Catcher: The Call Home* by upcoming ‘mainstream’ Canadian novelist Bob Christmas—criminologist (PhD), founding leader of Winnipeg’s newly established Community Safety Team and recently retired from 34 years in the Winnipeg Police Service. In this sequel to his first novel, *The River of Tears* (see JR 37.4), Bob sets the stage by fathoming the power of change: “No man ever steps in the same river twice, for it’s not the same river and he’s not the same man...” (Heraclitus, in the Epigraph). *Dream Catcher: The Call Home* not only exposes Human Trafficking’s reliance on negative change but also illustrates the exponential impact of positive change.



## *Dream Catcher: The Call Home*

BY **BOB CHRISMAS**  
NEW YORK: DIO PRESS INC. 2023.

“This sequel to Bob Christmas’ *The River of Tears* explores the trauma of the families of missing loved ones and the broad range of individuals working to counter trafficking and the sexual exploitation of women in North America. *Dream Catcher: The Call Home* highlights the overrepresentation of Indigenous women in the sex trafficking industry and explores a world of misogyny, racism, and exploitation of which most people have little understanding. Dr. Christmas’ new book further explores the continuing impacts of Canada’s colonization on Indigenous communities, and how it affects missing and murdered women and girls today”.

–Dr. Sean Byrne, Foreword

Dr. Christmas inserts fact into fiction in order to include the many voices often left out of the nonfiction discourse, such as law makers, political figures, police, other law enforcement agents also passionately involved in combatting the sex industry, and survivors. His characters are amalgamations based on representations of lived experience in law enforcement, survivor testimonials, and his own criminological research. By using such character constructs in storytelling, Bob puts faces and hearts into human trafficking, helping illustrate its complex relation to trauma.

Certain characters in this novel carry out personal rebellions against the entrenched norms and values of colonialism: Suffering moral injury, physical health problems related to trauma, overwork and lack of mental health support throughout his life in policing, Jack rebels to help the Indigenous Dani, who must give up her job as a prosecutor to continue the quest for her missing sister Ali. Well-informed in HT and working on a hunch, two highway patrol officers become Ali's first connection to justice and ultimately put the top echelon of HT investigators in Canada within her reach.

Bob connects the dots of HT demand and supply in *Dream Catcher* to reveal how micro social scourges, which might include the long-standing rape culture at some Canadian universities (Students), corrupt port authorities (Seamen), social indifference (Waitress), poverty (Mexicans), and the breakdown of social nets (Ali, Tex) and an associated lack of effective mental health supports (Liz, Ali, Tex) convene in a perfect storm of human trafficking. Demonstrating the importance of collaboration across the law enforcement network, justice prevails in *Dream Catcher: The Call Home*. Ali manifests a complete reversal—Indigenous as hero—representing positive change through personal empowerment.

Where fiction may not be considered factual enough to overturn a court decision, it just might help change the mind of a nation.

## **WE ASKED BOB HOW THIS SEQUEL CAME TO BE AND WHAT IT MEANS TO RECONCILIATION**

**Bob Christmas on *Dream Catcher: The Call Home***  
**New York: DIO Press Inc., 2023.**



CREDIT: R. Christmas

I've always taken a 'plain English' approach to my writing, even in my Doctoral Dissertation (2017) and the books that flowed from it, such as *Sex Industry Slavery: Protecting Canada's Youth* (UTP, 2020) and *The River of Tears* (DIO, 2022). My intention through all of my research and scholarship, whether in non-fiction or fiction, has been to raise public awareness and conscience around social justice. So, my fiction has been an extension of a process I forged to put my lived experience in law enforcement and my previous research and academic work into practice, while taking into account the role and impact of stories in peacebuilding that I learned in my doctoral program at University of Manitoba's Mauro Institute for Peace and Justice (Peace and Conflict Studies).

My first attempt at fiction, *The River of Tears* (DIO Press, 2021), was born of my forced isolation for a month in the early COVID days. I truly enjoyed the process, as the creative aspect of storytelling allowed me to piece together all the truisms I had gathered around the theme of sex trafficking. I found that the freedom of re-creating what I knew to be the tragic reality of sexual exploitation allowed me to tell a more impactful story with more social reach than 'fact'. It is a story, but it rings true not only with all the work around counter-exploitation I carried out in my policing career but also my doctoral research, which thrust me back into the dark world of trafficking I had left behind.

*The River of Tears* is a stand-alone story, deliberately leaving the reader frustrated in the end with the abducted girl not being found. My intention was to give the reader a taste of the frustration that families and friends of missing people, missing and murdered women and children suffer indefinitely as their loved ones remain missing. Gaining feedback on the final product, many experts found I captured the social scourge of trafficking well but some wanted the story to venture into the little-documented Great Lakes and the seaborne trafficking industry.

It was always my intention to write "fact in fiction" and this has meant reaching out—either in the line of duty or when conducting academic research during my degrees and for my nonfiction—to scholars and experts in the field and also to trafficked people, to understand their stories.

In this sequel, *Dream Catcher: The Call Home*, I delved deeper into the life-long trauma and experience of trafficked women and the psyche of the traffickers. The story also probes the post-traumatic stress that police officers and helpers experience trying to help trafficked people. That aspect was drawn from my own 34 years in policing and enhanced by my research into PTSD as a Post-Doctoral Fellow in 2022-23, with the University of Regina, where we worked to develop mental health resources for emergency services across Canada.

*Dream Catcher: The Call Home* is Ali's story, what she went through as a trafficked girl, her sister Dani's struggle to cope and never-ending drive to find her little sister, and detective Jack Bondar's desire to help. Once *Dream Catcher* was finished, I used the feedback and endorsements from a varied selection of Beta readers, many of whom are experts in the field, to make adjustments. I then used my characters to put many elements of human trafficking into context and do my utmost to align the story with reality.

With the goal of raising public awareness and affecting public policy through these stories, I was thrilled to achieve a few wins over the last year. One was when my doctoral research and findings were heavily referenced in a Manitoba Court of Appeal decision that overturned a sentence of five months (time served) for a middle-aged man who had sexually trafficked a 16-year-old girl. The Court set aside the time-served sentence and instead gave the man five years in prison. Coming from the Appeal Court, the case is significant as it will guide all the lower courts and affect sentencing in similar cases across the country.

Another noteworthy and exciting experience, a few months ago, was flying to Ottawa to testify on my research and writing for the House of Commons Standing Committee on the Status of Women, for their inquiry into sex trafficking in Canada. I spoke mainly about the stories and left them copies of all my books, including the two novels. Several MPs advised they would be including references to my publications in their reports.

Spoiler alert: the third of this series will likely take on a more international flavour.

## RÉSUMÉ

### Fact In Fiction

#### NANCY WRIGHT AVEC BOB CHRISMAS

Dans cette rubrique de Fact In Fiction, qui met en vedette le roman *Dream Catcher: The Call Home* (DIO Press Inc. 2023), nous demandons au romancier canadien Bob Chrismas comment son livre a vu le jour et ce qu'il représente pour la réconciliation. Dans ce livre, Bob pose le décor en saisissant la force du changement : « Aucun homme ne marche jamais deux fois dans la même rivière, car ce n'est pas la même rivière et ce n'est pas le même homme... » (Héraclite, dans l'Épigramme). *Dream Catcher* met en lumière la dépendance de la traite des êtres humains aux changements négatifs, tout en illustrant l'effet exponentiel des changements positifs. Bob, auteur prolifique, est le dirigeant fondateur de l'équipe de la sécurité communautaire à Winnipeg et a récemment pris sa retraite après 34 ans au sein du Service de police de Winnipeg. [www.bchrismas.com](http://www.bchrismas.com)

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CREDIT: J. Winterdyk

Canadian criminologist Dr. John Winterdyk took over as Book Review Editor (English books) in 2019, successfully steering the section through the pandemic and into 2023. John is retiring from academia after almost 35 years at Mount Royal University (MRU). The CCJA thanks Dr. Winterdyk for his meaningful contribution to the CJCCJ's Book Review section.

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